FEDERAL REGISTER

VOLUME 20 NUMBER 213

Washington, Tuesday, November 1, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (i) (1) of § 6.103 is amended as set forth below.

§ 6.103 *Treasury Department.* * * *

(i) *United States Savings Bonds Division.* (1) Positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 16 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8855; Filed, Oct. 31, 1955; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 59, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to Order No. 22 (19 F R. 1741) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recomemndation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order as amended. The provisions in paragraph (b) (1) (ii) of § 922.359 (Valencia Orange Regulation 59, 20 F. R. 7959) are hereby amended to read as follows:

(ii) District 2: 323,400 boxes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 27, 1955.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8790; Filed, Oct. 31, 1955; 8:47 a. m.]

[Docket No. AO-225-A6]

PART 924—MILK IN DETROIT, MICHIGAN, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Sec.
924.0 Findings and determinations.

DEFINITIONS

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

MARKET ADMINISTRATOR

REPORTS, RECORDS, AND FACILITIES

CLASSIFICATION

AUTHORITY: §§ 924.0 to 924.132 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Detroit, Michigan, on March 22–25, 1955, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, effective not later than November 1, 1955. Any delay beyond that date in making this order amending the order effective will tend to disrupt the orderly marketing of milk in the Detroit, Michigan, marketing area. The changes effected by this order amending the order do not require persons affected to make substantial or extensive preparation prior to the effective date. Proposed amendments which would result in changes similar to those effected by this order amending the order were considered at a public hearing held in Detroit during March 22–25, 1955; a recommended decision in this proceeding, to which interested parties were given an opportunity to file written exceptions, was filed on September 2, 1955, and a final decision was issued on October 25, 1955. Under these circumstances persons affected by this order amending the order have been afforded a reasonable time within which to prepare for its effective date. Therefore, good cause exists, pursuant to sec. 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 237), for making this order amending the order effective November 1, 1955.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Detroit, Michigan, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the determined representative period (August 1955) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

DEFINITIONS

§ 924.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 924.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 924.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 924.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area," hereinafter referred to as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the townships of Burtchville, Grant, Greenwood, Kenockee, Wales, Clyde, Fort Gratiot, Kimball, Port Huron, St. Clair, China, East China, Ira, Cottrellville and Clay in St. Clair County, the townships of Chesterfield, Sterling, Clinton, Harrison, Warren, Erin, and Lake in Macomb County, the townships of White Lake, Waterford, Pontiac, Avon, Commerce, West Bloomfield, Bloomfield, Troy, Novi, Farmington, Southfield, and Royal Oak in Oakland County, the townships of Ann Arbor, Superior and Ypsilanti in Washtenaw County, the townships of Ash and Berlin in Monroe County and

all of Wayne County, all in the State of Michigan.

§ 924.6 *Handler* "Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which Class I products are disposed of on a route(s) in the marketing area, or (c) a cooperative association with respect to milk customarily received at a pool plant which is diverted to a nonpool plant for the account of the association.

§ 924.7 *Producer* "Producer" means a dairy farmer who produces milk which is received directly from the farm at a pool plant or is diverted for a handler's account from a pool plant to a nonpool plant.

§ 924.8 *Producer-handler* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers or from a cooperative association.

§ 924.9 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 924.10 *Other source milk.* "Other source milk" means all skim milk and butterfat received by a handler in any form, other than that contained in producer milk and shall include the skim milk equivalent of concentrated products classified as Class I pursuant to § 924.41 (a)

§ 924.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State which the Secretary determines:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 924.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in §924.70.

§ 924.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month.

§ 924.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 924.15 *Route.* "Route" means a delivery (other than to a handler) including a sale from a store of a Class I product to a wholesale or retail stop(s)

§ 924.16 *Pool plant.* A "pool plant" shall be any plant meeting the conditions of paragraph (a) or (b) of this section, except the plant of a handler exempted in § 924.101,

(a) Any plant, hereinafter referred to as a "distributing plant" in which milk is pasteurized or packaged for distribution in the marketing area and from which Class I milk is disposed of during the month on a route(s) in the marketing area: *Provided,* That, after August 31, 1956, the total quantity distributed during any of the months of March through August on all routes operated inside or outside the marketing area is equal to 45 percent or more, or during the months of September through February is 55 percent or more, of the receipts from producers, or from other plants, of milk approved by the appropriate health authority for fluid use; or

(b) Any plant, hereinafter referred to as a "supply plant" (1) which is approved by the Department of Health of the City of Detroit, Ann Arbor, Pontiac, or Port Huron, or of Wayne County, and (2) from which during the month not less than 25 percent or the call percentage as defined in § 924.17, whichever is higher, of its dairy farm supply of milk, less any milk disposed of from the plant as Class I other than transfers to other handlers, is moved to a distributing plant(s) *Provided,* That any supply plant which has shipped to a distributing plant(s) the required percentage of its dairy farm supply during each of the months of November 1955 through January 1956 and, in subsequent years, during each of the months of October through January, shall be a pool plant for each of the following months of February through September during which it ships the percentage provided for in any call which may be issued by the market administrator pursuant to § 924.17.

All supply plants which are operated by one handler, or all of the plants from which a handler is responsible for the movement of milk to distributing plants under a marketing arrangement certified to the market administrator by both parties, may be considered as a unit, upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the 5th working day following the month to which the notice applies. In any of the months of February through September a unit shall not contain plants which were not qualified as pool plants, either individually or as members of another unit, during the previous October through January.

§ 924.17 *Call percentage.* (a) The "call percentage" is the percentage of net receipts at a supply plant (after subtracting any milk disposed of as Class I other than transfers to other pool plants) which such plant is required to ship to a distributing plant(s) in order to qualify as a pool plant pursuant to § 924.16. A call percentage may be announced for any month except April, May, June, or July and shall be issued on or before the first day of the month to which it applies. The call percentage shall be computed by the market administrator from his estimate of the Class I utilization of distributing pool plants during the month for which the call percentage is being computed, plus an operating margin of 15%. From such estimated gross Class I requirements of distributing plants, inclusive of the 15% operating reserve, shall be deducted the estimated receipts directly from producers during such month at such distributing plants and from those supply plants which regularly send their entire available supply to such distributing plants during the months of August through March. The remainder shall be divided by the estimated net available supply (after subtracting any milk estimated to be disposed of as Class I other than transfers to other pool plants) at supply plants other than those regularly shipping their entire supply as described above, and the result shall be multiplied by 75 to determine the call percentage. No call percentage of less than 25 shall be issued.

(b) The market administrator's announcement of a call percentage shall include the historical data on which his estimates of Class I utilization and the various sources of supply are based, together with appropriate explanatory comments on the computations involved.

(c) At any time during a month when it appears that more milk is being delivered to distributing plants than is needed to fulfill their Class I requirements, the market administrator may reduce the call percentage applicable for such month.

MARKET ADMINISTRATOR

§ 924.20 *Market Administrator* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 924.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions;

(d) To recommend amendments to the Secretary.

§ 924.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 924.86:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 924.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to §§ 924.30 and 924.31, or

(2) Payments pursuant to §§ 924.80 and 924.84.

(g) Calculate a base for each producer in accordance with § 924.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part, and

(j) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to § 924.51 and § 924.52, and the handler butterfat differential computed pursuant to § 924.53, and

(2) On or before the 11th day of each month uniform price, the price for base milk and the price for exeess milk for the preceding month, computed pursuant to §§ 924.62, 924.63 and 924.64, and the producer butterfat differential computed pursuant to § 924.82.

REPORTS, RECORDS, AND FACILITIES

§ 924.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler shall report to the market administrator for the preceding month, in the detail and on forms prescribed by the market administrator, the following with respect to (a) all producer milk received, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk (except any nonfluid milk product which is disposed of in the same form as received) received at a pool plant(s)

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization or disposition of such receipts; and

(3) Such other information with respect to such receipts and their utilization or disposition as the market administrator may prescribe.

§ 924.31 *Other reports.* (a) Each producer-handler and each handler described in § 924.101 shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association) and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 924.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 924.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 924.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant, or diverted pursuant to § 924.7,

(a) In milk from producers or from a cooperative association (except as provided in § 924.43 (c))

(b) In any form from other handlers, and

(c) In other source milk required to be reported pursuant to § 924.30; shall be classified (separately as skim milk and butterfat) in the classes set forth in § 924.41.

§ 924.41 *Classes of utilization.* Subject to the conditions set forth in §§ 924.42 and 924.43 the classes of utilization shall be:

(a) Class I utilization shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat:

(1) Disposed of for consumption in fluid form as milk, flavored milk, skim milk, buttermilk, or half-and-half; and

(2) Not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Disposed of for fluid consumption as sweet or sour cream;

(2) Used to produce sterilized flavored milk drinks, ice cream or ice cream mix, cheese (including cottage cheese) dried whole milk, nonfat dry milk solids, evaporated or condensed whole or skim milk, sweetened or unsweetened, disposed of in bulk or in hermetically sealed cans, eggnog, or butter;

(3) Disposed of as livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion within 18 hours) by the market administrator;

(4) In shrinkage of producer milk up to 2 percent of receipts from producers; or

(5) In shrinkage of other source milk.

§ 924.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler from a pool plant to another pool plant without first having been received for the purpose of weighing and testing in the transferor handler's pool plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

(c) Producer milk received at a plant from which a route is not operated in the marketing area and transferred in bulk from such plant to a plant from which a route is operated in the marketing area shall be subtracted from the producer milk receipts at the first plant and added to the producer milk receipts at the second plant in computing shrinkage.

§ 924.43 *Transfers.* (a) Skim milk and butterfat disposed of by a handler from a pool plant to the pool plant of another handler (except as provided in paragraph (c) of this section) in the form of milk or skim milk shall be Class I utilization, unless Class II utilization is indicated by both handlers in their reports submitted pursuant to § 924.30: *Provided,* That in no event shall the amount so classified in Class II be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat disposed of by a handler from a pool plant to a nonpool plant in the form of milk or skim milk shall be Class I utilization unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest

use. If all or a portion of the milk so transferred is retransferred to a second nonpool plant the same conditions of audit, classification, and allocation shall apply.

(c) Producer milk transferred in bulk by a cooperative association to a pool plant, shall be deducted before classification of producer milk at the transferor's plant and shall be included in producer milk classified at the plant of the transferee handler.

§ 924.44 *Responsibility of handlers and reclassification.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 924.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler.

§ 924.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers.

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 924.41 (b) (4)

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers (except from a cooperative as set forth in § 924.43 (c)) in such classes pursuant to § 924.43 (a) and

(d) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(e) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 924.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 924.46.

MINIMUM PRICES

§ 924.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a) (b) and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

(c) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants, except any which meet the qualifications of § 924.6, for which prices have been reported to the market administrator

Present operator and location

Borden Co., Perrinton, Mich.
Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Grand Ledge Milk Co., Grand Ledge, Mich.
Kraft Cheese Co., Clare, Mich.
Kraft Cheese Co., Pinconning, Mich.
Nestle Co., Ubly, Mich.
Pet Milk Co., Hudson, Mich.

§ 924.51 *Class I milk prices.* (a) Except as provided in paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus $1.43.

(b) The percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization at all pool plants, exclusive of variation in inventory during such period shall be computed each month by the market administrator and for the month in which the computation is made the Class I price shall be decreased 15 cents if such percentage is 5.0 percentage points or more above the average of the percentages for the corresponding months in the following schedule and increased 15 cents if such percentage is 5.0 percentage points or more below the average of the percentages for the corresponding months in such schedule and the Class I price shall be decreased or increased an additional 15 cents for each additional full 5 percentage points which such ratio of producer milk receipts to Class I utilization is above or below such average percentage:

Month:	*Percentages*
January	125.6
February	123.1
March	130.4
April	137.4
May	146.8
June	152.4
July	138.5
August	130.4
September	120.8
October	121.6
November	120.0
December	125.7

Provided, That in no event shall the Class I price be increased or decreased pursuant to this paragraph by more than 45 cents.

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization, shall be the price per hundredweight as described in § 924.50 (c)

§ 924.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the producer butterfat differential applicable to milk delivered in the current month.

DETERMINATION OF PRICE TO PRODUCERS

§ 924.60 *Computation of value of milk for each handler* (a) Subject to paragraphs (b) and (c) of this section, the value of producer milk received during the month by each handler shall be a sum of money computed by the market administrator by multiplying by the applicable class price adjusted pursuant to § 924.53 the total combined hundredweight of skim milk and butterfat received in producer milk allocated to each class pursuant to §§ 924.46 and 924.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 924.46 (e) and § 924.47 by the applicable class prices.

(b) Each handler operating a pool plant at which other source milk is allocated to Class I pursuant to §§ 924.46 and 924.47 shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between the Class I and the Class II

prices for the month adjusted by (1) a location adjustment, to apply on any other source milk shipped as fluid whole milk or fluid skim milk, at the same rate as specified in paragraph (c) of this section for the location at which the other source milk originates, and (2) the butterfat differentials provided in § 924.53 to the butterfat test of such other source milk.

(c) A handler who operates a pool plant as described in § 924.16 (b) (or § 924.16 (a) and located more than 34 miles by shortest highway distance from the boundary of the market area) and who disposes of, from such plant for Class I utilization (other than to a handler) milk received from producers, and a handler who receives at a plant described in § 924.16 (a) producer milk moved in bulk from a plant described in § 924.16 (b) (or § 924.16 (a) and located more than 34 miles by shortest highway distance from the boundary of the marketing area) which milk is utilized as Class I (prorating to such milk the utilization of all producer milk received at the plant) shall receive a credit with respect to milk so disposed of or so received and utilized at a rate determined by the market administrator as follows:

Shortest road distance from Detroit City Hall:	*Rate per hundredweight*
More than 34 miles but not more than 50 miles	$0.14
More than 50 miles but not more than 60 miles	0.15
Add 1 cent for each 10 miles or fraction thereof over 60 miles.	

§ 924.61 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers, computed pursuant to paragraph (a) of § 924.60;

(b) Adding the aggregate value of all allowable producer location adjustments computed at the rates for the appropriate zones as provided in § 924.81,

(c) Adding or subtracting any charges or credits pursuant to § 924.90 (a) or (b)

(d) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 924.82 multiplied by 10;

(e) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 924.62 *Uniform price.* For each month the uniform price shall be computed by:

(a) Dividing the amount computed pursuant to § 924.61 by the hundredweight of milk received from producers represented by the values included in § 924.61 (a) and

(b) Subtracting not less than 6 cents nor more than 7 cents.

§ 924.63 *Excess milk price.* For each month the excess milk price shall be determined by adding 17 cents to the Class II price determined pursuant to § 924.52.

§ 924.64 *Computation of uniform price for base milk.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 924.70 (b) for the month by the excess milk price.

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 924.70 (b) (c) and (d) by the uniform price for the month.

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 924.61,

(d) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 924.70 (b) and

(e) Subtract not less than 6 cents nor more than 7 cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content received at pool plants.

§ 924.65 *Handler operating a plant which is not a pool plant.* Each handler who operates a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area during a month, shall in lieu of the payments required pursuant to § 924.80 through § 924.82, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the month multiplied by the difference between the price for Class I milk pursuant to § 924.51 and the price for Class II milk pursuant to § 924.52, adjusted by a location adjustment at the same rate as specified in § 924.60 (c) and by the butterfat differentials provided in § 924.53.

(b) Any plus amount resulting from the following computation. From an amount equal to the net pool obligation which would be computed pursuant to § 924.60 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to those dairy farmers whose milk was approved for fluid use and received during such month.

§ 924.66 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 924.80, 924.84, 924.86, 924.87, and 924.90.

BASE RULES

§ 924.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator to be applicable, subject to § 924.72, for the 12 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided,* That a producer who had a base on December 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries.

(b) A producer who has no base shall be paid during the first three full months he is a producer the uniform price in each of the months of August through December and in other months, the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first three full months' delivery, a base shall be established in the following manner: Multiply the total deliveries in the months of August and September by 0.8 and October, November and December by 0.9, in January and February by 0.75, in March by 0.7, in April and July by 0.6, and in May and June by 0.4. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months.

(c) Whenever total receipts of producer milk by all handlers during the month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid the uniform price for all milk delivered.

(d) A producer who does not forfeit his base pursuant to § 924.71 (c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122.

§ 924.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producers' immediate family.

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator.

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership.

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base without loss for six months.

§ 924.72 *Establishing a new base.* A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to § 924.70 (b) once during the 12-month period ending December 31, the period for establishing a new base to begin the first day of the month specified but not earlier than the first day of the month in which such notification is received by the market administrator.

PAYMENT FOR MILK

§ 924.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from such association or from producers for the account of such association, the uniform price as provided in § 924.70 (b) and (c) or the base price for base milk and for milk to be paid for at the base price pursuant to § 924.70 (b) and milk transferred pursuant to § 924.43 (c) and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 924.70 (b), adjusted by the butterfat differential pursuant to § 924.82 and any location adjustment pursuant to § 924.81. *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 924.85, he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 924.81 *Location adjustments to producers.* In making payments to producers or cooperative associations pursuant to § 924.80 a handler may deduct with respect to all milk received by him from producers at a plant located outside the marketing area and more than 34 miles by shortest highway distance from the Detroit City Hall, as determined by the market administrator, and if milk is distributed from such plant on a route(s) in the marketing area, also located more than 34 miles by the shortest highway distance from the boundary of the marketing area, the amount per hundredweight applicable to the zone in which such plant is located as set forth in § 924.60 (c)

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80, the base price and excess price or the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § 924.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 924.83 *Producer equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 924.84 and out of which he shall make all payments pursuant to § 924.85.

§ 924.84 *Payments to the producer-equalization fund.* (a) On or before the 13th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 924.60 (a) shall pay to the market administrator any amount by which such value for such month (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the price for base milk for the month adjusted pursuant to § 924.82) is greater than the minimum amount required to be paid by him pursuant to § 924.80.

(b) On or before the 13th day after the end of each month each handler who is required to make payment pursuant to § 924.60 (b) shall pay such amount to the market administrator.

(c) On or before the 25th day after the end of each month each handler who is required to make payment pursuant to § 924.65 shall pay such amount to the market administrator.

§ 924.85 *Payment out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 924.60 (a) (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the price for base milk for the month adjusted pursuant to § 924.82) is less than the total minimum amount required to be paid by him pursuant to § 924.80, less any unpaid obligations of such handler to the market administrator pursuant to § 924.84. *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 924.86 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month two cents per hundredweight, or such amount not exceeding two cents per hundredweight as the Secretary may prescribe with respect to all receipts within the month of milk from producers, including milk of such handler's own production, and all other source milk on which payments are made pursuant to § 924.60 (b) and § 924.65.

§ 924.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 924.80 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 924.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 924.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred, following the 5th day after such notice.

§ 924.91 *Overdue accounts.* Any unpaid obligation of a handler or of the

market administrator pursuant to §§ 924.84, 924.85, 924.86, 924.87, and 924.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 924.100 *Milk caused to be delivered by cooperative associations.* Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

§ 924.101 *Handler exemption.* A handler who operates a plant located outside the marketing area from which Class I milk is disposed of on a route(s) within the marketing area but from which the disposition of Class I milk on all routes operating wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, or a handler whom the Secretary finds is subject, during the delivery period, to another Federal order, and whose disposition of Class I milk in the other Federal marketing area exceeds that in the Detroit marketing area, shall be exempted for such month from all provisions of this part except §§ 924.31, 924.32, and 924.33.

§ 924.102 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 924.31, 924.32, 924.33 and 924.60 (b)

TERMINATION OF OBLIGATIONS

§ 924.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 924.120 *Effective time.* The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 924.121 *When suspended or terminated.* The secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 924.122 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 924.123 *Liquidation.* Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 924.130 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 924.131 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 924.132 *Special reporting dates.* When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 924.22 (j) (2) 924.31 (b), 924.66, 924.80, 924.84, 924.85, 924.86, and 924.87 which follow such holiday shall be postponed by the number of days lost as a result of such holiday.

Issued at Washington, D. C., this 27th day of October 1955 to be effective on and after the 1st day of November 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[P. R. Doc. 55-8301; Filed, Oct 31, 1955; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—CITRUS FRUIT EXPORT PROGRAM WMX 135a

Sec.

AUTHORITY: §§ 517.460 to 517.472 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 517.460 *General statement.* (a) In order to encourage the exportation of certain fresh and processed citrus fruits produced in the United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to U. S. exporters of products listed in § 517.462 which are exported to an eligible country designated in § 517.461, subject to

the terms and conditions set forth in this subpart.

(b) Information pertaining to this offer and forms prescribed for use under this subpart may be obtained from the following Representatives of the Secretary:

West Coast States (including Arizona) Warren C. Noland, Fruit and Vegetable Division, AMS, U. S. Department of Agriculture, 1031 South Broadway, Room 1005, Los Angeles 15, Calif. (Phone: Richmond 9-4711, Extension 286.)

Florida: M. F. Miller, Fruit and Vegetable Division, AMS, U. S. Department of Agriculture, P. O. Box 19, Lakeland, Fla. (Phone: Mutual 6-6731.)

All other States: Norman F. Horsey, Fruit and Vegetable Division, AMS, U. S. Department of Agriculture, Washington 25, D. C. (Phone: Republic 7-4142, Extension 2037.)

(c) Claims for payment (see § 517.465 (a)) shall be filed with the applicable AMS Area Administrative Division listed below:

West Coast States (including Arizona) Western Area Administrative Division, AMS, U. S. Department of Agriculture, 1515 Clay Street, Sixth Floor, Oakland 12, Calif.

Florida and all other States: Eastern Area Administrative Division, AMS, U. S. Department of Agriculture, Washington 25, D. C.

§ 517.461 *Eligible countries.* An eligible country is any country or area specifically named in this section.

Austria.
Belgium.
Denmark.
Finland.
France.
Germany, Federal Republic of.
Greenland.
Iceland.
Ireland (Eire).
Luxembourg.
Netherlands, The.
Norway.
Sweden.
Switzerland.

§ 517.462 *Eligible products and rates of payment.* The applicable rate of payment per unit, or equivalent quantity, for the eligible products listed below shall be as follows:

Eligible products	Unit	Rate
FRESH		
Oranges or grapefruit	Standard nailed box or wirebound crate (1⅗ bushels or larger).	$0.50
Oranges or grapefruit	Half-box carton (⅘ bushel or larger)	.25
PROCESSED		
Single strength orange, grapefruit or blended grapefruit and orange juices.	Net gallon	.09
Grapefruit sections or citrus salad	Net pound	.02
Concentrated orange juice:		
Frozen or canned (hot-pack):		
Dilution factor—1 plus 3:		
Style I (41.5° to 44.0° Brix)	Net gallon	.23
Style II (42.0° to 49.0° Brix)	Net gallon	.23
Canned (hot-pack) or preserved:		
Dilution factors:		
1 plus 5 (57.8° to 61.2° Brix)	Net gallon	.31
1 plus 6 (65.2° to 68.8° Brix)	Net gallon	.34
Concentrated tangerine juice:		
Canned (hot-pack):		
Dilution factor: 1 plus 6 (60.3° to 63.3° Brix)	Net gallon	.34
Concentrated grapefruit juice:		
Frozen:		
Dilution factor—1 plus 3:		
Style I (38° to 42° Brix)	Net gallon	.23
Style II (38° to 48° Brix)	Net gallon	.23
Canned (hot-pack) or preserved:		
Dilution factors:		
1 plus 3 (38° to 42° Brix)	Net gallon	.23
1 plus 4 (45.8° to 49.8° Brix)	Net gallon	.27
1 plus 5 (53.2° to 57.2° Brix)	Net gallon	.31
1 plus 6 (60.0° to 64.0° Brix)	Net gallon	.34
Concentrated blended grapefruit and orange juice:		
Frozen:		
Dilution factor—1 plus 3:		
Style I (40° to 44° Brix)	Net gallon	.23
Style II (40° to 48° Brix)	Net gallon	.23

§ 517.463 *Eligibility for payment*—(a) *Application for export payment.* No payment will be made under this subpart, unless the exporter files an application (see § 517.472 (c)) with the designated Representative of the Secretary, as indicated in § 517.460 (b) nearest the principal office of the exporter, and such application is approved by the Representative of the Secretary. The application must be prepared separately for each sales contract and shall be filed as promptly as possible after the date of sale but in no event later than the date of export. No payment will be made if such application is filed after the date of export unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives this requirement. The Secretary will approve applications meeting the requirements of this program, so long as funds which have been allocated to this program are available, in the order in which the applications are received or on such other basis as he may determine to be equitable, will give written notice of approval or disapproval to the exporter, and will notify the exporter as promptly as possible after receipt of any application if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum indicated in the approved application, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, approves a larger amount.

(b) *Sales contract.* No payment under this subpart will be made in connection with any sales contract unless the date of sale (see § 517.472 (d) and (e)) is on or after the effective date of this offer, except that a sale made prior to the effective date of this offer and expressly made contingent upon the Secretary's issuing this or a similar offer or made contingent upon the buyer benefiting by any payment offered by the Secretary prior to exportation, will be deemed to be a sale made on or after the effective date of this offer. In the event the sales contract covered by any approved application is canceled or will not be completely fulfilled, the exporter shall promptly request the Representative of the Secretary who approved the application to cancel the quantity which will not be exported. Such request shall be made not later than thirty (30) days after the intended date of export shown in the approved application.

(c) *Date of export.* No payment under this subpart will be made in connection with any exportation unless the products are exported during the period specified in paragraph (i) of this section, for the respective eligible products. Products shall be deemed to have been exported when loaded on board the exporting carrier provided such products are not thereafter unloaded from such carrier in the United States, its territories, or possessions, and are not diverted to an ineligible country. The date of export of any lot shall be considered to be the date of loading on board the exporting carrier on which movement of such lot from the United States is effected. The date of the on-board bill of lading (or loading tally sheet, see § 517.465 (a) (3)) shall be considered to be the date the products were loaded on board, unless an "on-board" date is shown.

(d) *Minimum size of lot.* No payment will be made under this subpart for the exportation of any lot of less than one hundred (100) units of any one eligible product. A unit is 1 box, crate, or carton, of fresh fruit, 1 case of citrus products, or 1 gallon or equivalent of concentrated juice. A lot is that quantity of any one eligible product loaded to any one export carrier at any one departure to any one consignee.

(e) *Inspection.* Exporters shall furnish, at no expense to the Secretary, certificates of inspection, as provided in this subpart, for fresh or processed products exported pursuant to this offer indicating that the product meets the applicable requirements set forth in this section and § 517.464. Such certificates for fresh fruit shall be issued by representatives of the Federal or Federal-State Inspection Service and for processed products by representatives of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, USDA. Inspection of all concentrated products containing sweetening ingredients or preservatives shall be performed during the process of manufacture and also on the finished product after processing. For fresh oranges and grapefruit the period from date of completion of inspection for standards for export to date of exportation, both dates inclusive, must not exceed ten (10) days, except that for shipments exported from U. S. North Atlantic and Canadian Atlantic Ports such period must not exceed fifteen (15) days, and for processed products the period from date of com-

pletion of inspection to date of exportation, both dates inclusive, must not exceed ninety (90) days: *Provided,* That, if such periods will be exceeded when the eligible product is loaded on board the exporting carrier, the exporter shall prior to such loading obtain, at no expense to the Secretary, certificates of inspection covering, in the case of fresh fruit reinspection for standards for export and, in the case of processed products reinspection for quality and condition: *Except,* That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, waive reinspection requirements and grant an extension of time from date of inspection to date of exportation: *Provided also,* That the Secretary may, at his discretion, have any lot of fresh oranges or grapefruit reinspected at port of export for standards for export. The cost of reinspection made at the discretion of the Secretary will be borne by the Secretary. Any lot of fruit found not to meet program requirements will not be eligible for payments under this program.

(f) *Packaging.* (1) All products to be exported under this program shall be suitably packed for export in new boxes, crates, cartons or cases (or new kegs or barrels for preserved concentrate if so specified in sales contract) acceptable for export shipment in accordance with standard commercial practice and in a manner which reasonably shall assure their arrival in good condition in the country of destination. The best known practices to prevent shrinkage and decay shall be followed in packing fresh fruit for export shipment.

(2) For fresh fruit, only containers meeting the following minimum specifications may be used but the Secretary, upon request by the exporter, may approve[1] other containers:

Name or Kind of Container and Description

Orange and grapefruit box—nailed; freight container tariff Nos. 635 and 675 (inside dimensions 11½ x 11½ x 23$^{15}/_{16}$ inches or 12 x 12 x 24 inches).

Wirebound citrus crate; freight container tariff No. 3690 (inside dimensions 11$^{15}/_{16}$ x 11$^{15}/_{16}$ x 24¼ inches), or the identical container without the center divider.

Fibreboard citrus carton; half-box ($^{7}/_{10}$ or $^{8}/_{10}$ bushel) made of doublefaced corrugated fibreboard, telescope type, or a regular slotted container with a one-piece inside liner around the sides and ends.

The described containers are not intended to be all inclusive but indicate the minimum container requirements under the program. Other containers of heavier construction, which are suitable for exporting fresh fruit, also may be used without prior approval of the Secretary.

(g) *Export shipment.* Fresh oranges shall be exported from other than U. S. North Atlantic and Canadian Atlantic Ports in refrigerated space on ocean carriers and the export bills of lading covering such shipments shall show that the oranges are stowed in refrigerated space. Fresh oranges may be exported from U. S. North Atlantic and Canadian Atlantic Ports in ventilated space on ocean carriers until April 15, 1956, inclusive, following which date export shipments from such ports shall be made in refrigerated space: *Provided,* That fresh California Valencia oranges may be exported from U. S. North Atlantic and Canadian Atlantic Ports in ventilated space on ocean carriers until July 15, 1956, inclusive, following which date export shipments from such ports shall be made in refrigerated space.

(h) *Re-entry or diversion.* The exporter shall undertake, as a part of his application, which is required in paragraph (a) of this section, that the products exported under this program will thereafter not re-enter the United States or its territories or possessions, or be diverted to other than an eligible country as listed herein, in fresh or processed form. In the event of such reentry or diversion to other than an eligible country, the exporter shall refund to the Secretary any export payment received under this offer with respect to the quantity so re-entered or diverted.

(i) *Periods for export.* Products to be exported under applications approved pursuant to this program shall be exported during the following periods, both dates inclusive:

Fresh oranges and grapefruit produced in California or Arizona, November 1, 1955, to September 30, 1956.

Fresh oranges and grapefruit produced in Florida or Texas, November 1, 1955, to June 15, 1956.

All processed products, November 1, 1955, to October 31, 1956.

§ 517.464 *Product specifications.* No payment will be made under this subpart unless the respective products exported meet the following applicable requirements. "United States Standards" or "U. S. Standards" for the respective products, as used in this section, have reference to such standards which are in effect on the date of inspection.

(a) *Fresh fruit.* (1) Fresh oranges produced in California or Arizona shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality: *Provided,* That not more than a total tolerance of 5 percent shall be allowed for defects causing very serious damage. In addition, such oranges shall meet the requirements of Standards for Export, shall be individually wrapped, or packed in containers with biphenyl-treated pads or liners, and shall be packed in accordance with the requirements of Standard Pack: *Provided,* That oranges jumble packed in fiberboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled: *And provided, further,* That oranges place packed in fiberboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack and fill of container but such containers shall be at least fairly well filled and shall contain at least the count of fruit stamped on the container. Notwithstanding any other provision of this subparagraph, in the event any lot of fruit is exported from a U. S. North Atlantic or Canadian Atlantic port and is initially inspected or reinspected at such port, such lot shall be deemed to meet the requirements of this subparagraph with respect to decay if, at the time of such inspection or reinspection, not more than 1 percent of the fruit in such lot and not more than 4 percent of the fruit in any container in such lot is affected by decay. As used in this paragraph, "U. S. No. 1," "U. S. No. 2," "Standard Pack," and "Standards for Export" shall have the same meanings as defined in "U. S. Standards for Oranges (Calif. & Ariz.)"

(2) Fresh oranges produced in Florida or Texas, except for discoloration, shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality. In addition, such oranges shall at least meet the requirements of U. S. No. 1 Bronze grade for discoloration, shall be individually wrapped with biphenyl-treated paper, or packed in containers with biphenyl-treated pads or liners, and shall be packed in accordance with the requirements of Standard Pack: *Provided,* That oranges packed in 1⅗ bushel boxes or fiberboard containers shall be regarded as "fairly uniform in size" when not more than 10 percent, by count, of the oranges in any container are not more than one standard size larger or smaller than the standard size orange for the count packed: *And provided, further* That oranges place packed or jumble packed in fiberboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be at least fairly well filled. Such oranges shall also meet the following standards for export: Not more than a total of 10 percent, by count, of the fruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, growth cracks, damage by creasing, or serious damage by dryness or mushy condition, except that for any lot—

Not more than 5 percent of the fruit shall be soft;

Not more than ½ of 1 percent of the fruit shall be affected by decay;

Not more than 5 percent of the fruit shall be damaged by skin breakdown;

Not more than 3 percent of the fruit shall have broken skins which are not healed;

Not more than 3 percent of the fruit shall have growth cracks;

Not more than 5 percent of the fruit shall be damaged by creasing; and

Not more than 5 percent of the fruit shall be seriously damaged by dryness or mushy condition.

Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the fruit in any container has any of the defects enumerated in the standards for export. Notwithstanding any other provision of this subpara-

[1] Such approval may be conditioned upon agreement by the exporter that a report will be filed with the Representative of the Secretary stating whether (a) the container was acceptable to the carrier, (b) the container was acceptable to the foreign buyer, and (c) the container carried the fruit satisfactorily.

graph, in the event any lot of fruit is exported from a U. S. North Atlantic or Canadian Atlantic port and is initially inspected or reinspected at such port, such lot shall be deemed to meet the requirements of this subparagraph with respect to decay if, at the time of such inspection or reinspection, not more than 1 percent of the fruit in such lot and not more than 4 percent of the fruit in any container in such lot is affected by decay. As used in this paragraph, "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 2," and "Standard Pack" shall have the same meanings as defined in "United States Standards for Florida Oranges and Tangelos," and "United States Standards for Oranges (Texas and States other than Florida, California and Arizona) "

(3) Fresh grapefruit produced in California or Arizona shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality: *Provided,* That not more than a total tolerance of 5 percent shall be allowed for defects causing very serious damage. In addition, such grapefruit shall meet the requirements of Standards for Export, shall be individually wrapped, or packed in containers with biphenyl-treated pads or liners, and shall be packed in accordance with the requirements of Standard Pack: *Provided,* That grapefruit jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be well filled; *And provided, further* That grapefruit place packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack and fill of container but such containers shall be at least fairly well filled and shall contain at least the count of fruit stamped on the container. Notwithstanding any other provision of this subparagraph, in the event any lot of fruit is exported from a U. S. North Atlantic or Canadian Atlantic port and is initially inspected or reinspected at such port, such lot shall be deemed to meet the requirements of this subparagraph with respect to decay if, at the time of such inspection or reinspection, not more than 1 percent of the fruit in such lot and not more than 4 percent of the fruit in any container in such lot is affected by decay. As used in this paragraph "U. S. No. 1," "U. S. No. 2," "Standard Pack," and "Standards for Export" shall have the same meanings as defined in "U. S. Standards for grapefruit (California and Arizona) "

(4) Fresh grapefruit produced in Florida or Texas, except for discoloration, shall at least meet the requirements of U. S. No. 2 grade with not less than 85 percent U. S. No. 1 quality. In addition, such grapefruit shall at least meet the requirements of U. S. No. 1 Bronze Grade for discoloration, shall be individually wrapped with biphenyl-treated paper, or packed in containers with biphenyl-treated pads or liners, and shall be packed in accordance with the requirements of Standard Pack: *Provided,* That grapefruit packed in fibreboard containers shall be regarded as "fairly uniform in size" when not more than 5 percent, by count, of the grapefruit in any container are not more than one standard size larger or smaller than the standard size grapefruit for the count packed; *And provided, further* That grapefruit place packed or jumble packed in fibreboard containers shall not be required to meet the requirements of Standard Pack with regard to tightness of pack but such containers shall be at least fairly well filled. Such grapefruit shall also meet the following standards for export: Not more than a total of 10 percent, by count, of the fruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, growth cracks, or serious damage by dryness or mushy condition, except that for any lot—

Not more than 5 percent of the fruit shall be soft;

Not more than ½ of 1 percent of the fruit shall be affected by decay;

Not more than 5 percent of the fruit shall be damaged by skin breakdown;

Not more than 3 percent of the fruit shall have broken skins which are not healed;

Not more than 3 percent of the fruit shall have growth cracks; and

Not more than 5 percent of the fruit shall be seriously damaged by dryness or mushy condition.

Any lot of grapefruit shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the fruit in any container has any of the defects enumerated in the standards for export. Notwithstanding any other provision of this subparagraph, in the event any lot of fruit is exported from a U. S. North Atlantic or Canadian Atlantic port and is initially inspected or reinspected at such port, such lot shall be deemed to meet the requirements of this subparagraph with respect to decay if, at the time of such inspection or reinspection, not more than 1 percent of the fruit in such lot and not more than 4 percent of the fruit in any container in such lot is affected by decay. As used in this paragraph, "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 2," and "Standard Pack" shall have the same meanings as defined in "U. S. Standards for Florida Grapefruit," and in "United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) "

(b) *Processed products.* All processed products shall be prepared and processed under sanitary conditions and in accordance with good commercial practice; and the product(s) including any labeling, shall conform in every respect with the provisions of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder. All containers shall be sound and clean. Cans shall be free from rust and serious dents.

(1) Canned (single-strength) orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Canned Orange Juice."

(2) Canned (single-strength) grapefruit juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Canned Grapefruit Juice."

(3) Canned (single-strength) blended grapefruit and orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice."

(4) Frozen concentrated orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Orange Juice."

(5) Frozen concentrated grapefruit juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Grapefruit Juice."

(6) Frozen concentrated blended grapefruit and orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Blended Grapefruit Juice and Orange Juice."

(7) Canned citrus salad shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Grapefruit and Orange for Salad."

(8) Canned grapefruit sections shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Grapefruit."

(9) Frozen grapefruit sections shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Frozen Grapefruit."

(10) Canned (hot-pack) or preserved concentrated grapefruit juices shall meet the following requirements:

(i) General: The product shall be prepared from the unfermented juice obtained from sound, mature fruit of the grapefruit tree (Citrus paradisi) Canned concentrated juices shall be sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. Preserved concentrated grapefruit juice shall be prepared with the addition of suitable chemical preservatives as specified. All containers shall be sound and clean. Cans shall be free from rust and serious dents.

(ii) Canned concentrated grapefruit juice (1 plus 3 or 1 plus 4 or 1 plus 5 or 1 plus 6) shall meet the requirements of U. S. Grade A as defined in "Tentative United States Standards for Grades of Canned Concentrated Grapefruit Juice."

(iii) Preserved concentrated grapefruit juice (1 plus 3 or 1 plus 4 or 1 plus 5 or 1 plus 6) (*a*) The concentrated grapefruit juice, prior to the addition of chemical preservatives, shall meet the requirements of subdivision (ii) of this subparagraph.

(*b*) Sulphur dioxide alone or sodium benzoate or benzoic acid or any combination of sodium benzoate and benzoic acid shall be added within the following ranges but only in a quantity necessary

as a preservative for the respective concentrations:

Sulphur dioxide: 350 p. p. m. to 750 p. p. m.
Sodium benzoate and/or benzoic acid: 1/10 of 1 percent to 4/10 of 1 percent.

(11) Canned (hot-pack) concentrated (1 plus 3) orange juice shall meet the requirements of U. S. Grade A, Style I or Style II, Dilution factor of "1 plus 3" as defined in "United States Standards for Grades of Canned Concentrated Orange Juice."

(12) Canned (hot-pack) concentrated orange juice (1 plus 5 or 1 plus 6) shall meet the requirements of U. S. Grade A, Style I, or U. S. Grade A for Manufacturing, Dilution factor of "1 plus 5" or "1 plus 6" whichever is applicable, as defined in "United States Standards for Grades of Canned Concentrated Orange Juice," or "United States Standards for Grades of Concentrated Orange Juice for Manufacturing." The canned concentrate, if produced from navel oranges, may possess a characteristic bitter flavor in the reconstituted product, provided such bitterness does not seriously affect the palatability of the product, and provided further, that the sales contract specifically calls for navel concentrated orange juice.

(13) (i) Preserved concentrated orange juice (1 plus 5 or 1 plus 6) shall meet the requirements of U. S. Grade A for Manufacturing, Dilution factor of "1 plus 5" or "1 plus 6," whichever is applicable, as defined in "United States Standards for Grades of Concentrated Orange Juice for Manufacturing." The canned concentrate, if produced from navel oranges, may possess a characteristic bitter flavor in the reconstituted product, provided such bitterness does not seriously affect the palatability of the product, and provided further, that the sales contract specifically calls for navel concentrated orange juice.

(ii) Sulphur dioxide alone or sodium benzoate or benzoic acid or any combination of sodium benzoate and benzoic acid shall be added within the following ranges but only in a quantity necessary as a preservative for the respective concentrations:

Sulphur dioxide: 350 p. p. m. to 750 p. p. m.
Sodium benzoate and/or benzoic acid: 1/10 of 1 percent to 4/10 of 1 percent.

(14) Canned (hot-pack) concentrated tangerine juice (1 plus 6) shall meet the requirements of U. S. Grade A for Manufacturing, Dilution factor of "1 plus 6," as defined in "United States Standards for Grades of Concentrated Tangerine Juice for Manufacturing."

(15) Chemical methods: Chemical analyses shall be made in accordance with the methods of the Association of the Official Agricultural Chemists or in accordance with methods that give equivalent result.

§ 517.465 *Claims for payment supported by evidence of compliance.* (a) The exporter shall file claims for payment with the AMS Area Administrative Division listed in § 517.460 (c) not later than sixty (60) days after the date of export of such lot: *Provided,* That, upon request of the exporter indicating substantial reason therefor, the Secretary may, if he deems it desirable, grant an extension of time for such filing. Each claim for payment shall be filed in an original and two copies on voucher Form AMS–21 or CSS–21, "Public Voucher—Commodity Programs," shall show the serial number of the related approved application, and shall be supported by:

(1) One certified copy of the sales contract;

(2) One certified copy of the sales invoice to the buyer showing:

(i) The f. a. s. sales price,

(ii) The payment to be made by the Secretary,

(iii) The balance f. a. s. U. S. Port to be paid by the buyer (other charges, if any, such as ocean freight, insurance, etc., shall be shown separately on the invoice) and

(iv) In the case of an invoice to a party named by the buyer as the party to be billed, the exporter shall furnish a certified copy of the directions by the buyer to bill such party;

(3) One copy of the on-board export bill of lading signed by an agent of the exporting carrier (except that where loss, destruction or damage occurs subsequent to loading on board exporting carrier but prior to issuance of the on-board bill of lading, one copy of a loading tally sheet or similar document may be submitted in lieu of such bill of lading) and in the case of exportation via a contiguous country, one signed copy of the on-board bill of lading covering the movement from such contiguous country;

(4) The original (or a signed copy) of the inspection certificate(s) required in § 517.463 (e) and;

(5) Such other documents, if any, as may be required by the Secretary, evidencing purchase, sale and exportation of the commodity on which payment is claimed.

(b) The export bill of lading must show the quantity and description of the commodity, inspection certificate number, or other reference sufficient to relate the commodity loaded on board the export carrier to the commodity covered by the related inspection certificate, the date and place of loading, the fact that such commodity is on board, the destination of the commodity, the name and address of both the exporter and consignee, and, in the case of fresh oranges, whether they are stowed in refrigerated space. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the application, the exporter shall furnish with each copy of such bill of lading a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this program for the commodity covered by such bill of lading. If the bill of lading shows the name of a consignee different from that appearing as the buyer on the contract under which the bill of lading is made, the exporter shall accompany his claim on the exportation covered by such bill of lading with a certification that the shipment under that bill of lading is to the buyer named in the contract and is made pursuant to that contract.

(c) The foregoing required evidence will not be accepted as conclusive if the Secretary has reason to believe that exportation of all or any quantity of the products was not actually accomplished or that there has not been compliance with other requirements of this offer, and in any such instance the Secretary may require such additional evidence as he deems reasonable.

§ 517.466 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales, and deliveries of products exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for at least two years after the effective date of this program.

§ 517.467 *Amendment and termination.* The Secretary may amend or terminate this program at any time upon public announcement thereof. Such amendment or termination, however, shall not apply to applications approved under the program prior to the effective time of such amendment or termination.

§ 517.468 *Persons not eligible.* No member of, or Delegate to, Congress or Resident Commissioner shall be admitted to any payment made under this program or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit, or to such person in his capacity as a farmer (grower of the products exported).

§ 517.469 *Set-off.* The Secretary may set-off, against any amount owed to any exporter hereunder, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States. Setting-off as provided in this subpart shall not deprive the exporter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 517.470 *Joint payment or assignment.* An exporter may name a joint payee on vouchers for payment or may assign the proceeds of any application for export payment to a recognized financing institution, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law No. 811, 76th Congress, as amended: *Provided,* That such assignment shall be recognized only if and when the assignee thereof files written notice of assignment, in accordance with the instructions on Form AMS–66 "Notice of Assignment" which form must be used in giving notice of assignment to the Representative of the Secretary. The "Instrument of Assignment" may be executed on Form AMS–347 or the assignee may use his own form of assignment. The AMS forms may be

obtained from any Representative of the Secretary.

§ 517.471 *Good faith.* Whereas it is the intent of this program to encourage the exportation of fresh and processed oranges (including concentrated tangerine juice) and grapefruit produced in the United States by making such products available to foreign buyers at prices below domestic market prices in the amount of the payment offered in this subpart; now, therefore, if the Secretary determines that any exporter has not acted in good faith in carrying out the purpose of this program; has not passed on to foreign buyers the incentive payment offered in this subpart, or otherwise fails to discharge fully any obligation assumed by him under this program, such exporter may be denied the right to continue participating in this program, or the right to receive payment under this program in connection with any exportation previously made under this program, or both.

§ 517.472 *Definitions.* As used in §§ 517.460 to 517.472, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized Representative of the Secretary.

(b) "Exporter" means any individual, corporation, partnership, association, or other business entity, located in the United States and engaged in the business of selling and exporting fresh or processed citrus fruits, produced and packed in the continental United States.

(c) "Application" means Form FV–461, "Application for Expert Payment."

(d) "Sales contract" may be in the form of offer and acceptance, confirmation of sale or purchase, or other documentary evidence of consummation of sale including contracts between exporter and buyer, and includes a transaction involving the transfer of a product from an exporter to his foreign branch, affiliate or associate. Such sales contract may, however, be conditioned upon contingencies or events over which the exporter has no control, such as the allocation of the necessary dollars by the eligible foreign country, or the making of an export payment by the Secretary in connection with the particular sales contract pursuant to this offer.

(e) "Date of sale" means the date on which both buyer and seller signed a written contract, or the date on which buyer accepts an offer of sale or confirms the purchase, or the date on which the seller accepts an offer to purchase or confirms the sale. In the event documentary evidence does not clearly establish the date of consummation of sale, the date of sale shown in the application will be considered to be the date the sale was consummated.

(f) "F. a. s." means free alongside ship or other export carrier.

(g) "On-board export bill of lading" includes any bill of lading covering the exportation of fresh or processed oranges (including concentrated tangerine juice) or grapefruit from the United States.

(h) "Public announcement" and "public notice" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

(i) "Certified" means a written, signed declaration, contained in or attached to any document, stating that the document is a true and correct copy of the original of such document.

(j) "Filed." Applications, claims, and related documents are deemed to be filed when they are postmarked, if mailed, or when received by the designated AMS office if otherwise delivered.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective November 1, 1955.

Dated this 27th day of October 1955.

[SEAL] G. R. GRANGE,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 55-8811; Filed, Oct. 31, 1955; 8:52 a. m.]

TITLE 14—CIVIL AVIATION.

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 620—SECURITY CONTROL OF AIR TRAFFIC

REVISION OF PART

Pursuant to section 1201 of the Civil Aeronautics Act of 1938, as amended (64 Stat. 825; 49 U. S. C. Supp 701) the President determined in Executive Order 10197 (published on December 22, 1950, in 15 F. R. 9180) that it is necessary in the interest of national security to establish security provisions for the use of aircraft in designated areas in the airspace above the United States, its Territories, and its Possessions (including areas of land or water administered by the United States under international agreement) In accordance with such determination and the authority delegated to me by the Secretary of Commerce (published on January 4, 1951, in 16 F. R. 99) Part 620 was adopted. This part, as amended, is revised herewith as recommended by the Board for Security Control of Air Traffic in Air Defense after coordination with the Department of Defense, the Civil Aeronautics Board, and representatives of the industry. The Air Defense Identification Zones in the Continental United States are generally reduced in area along the boundaries of the country. Two new ADIZ's are designated which enclose the northeastern area of the United States and the area west of the Continental Divide. These two areas are designated as the Eastern Defense Area and the Western Defense Area. Flights entering these areas or any ADIZ are required to comply with Part 620, but exceptions are made for flights departing these areas. Although the 4,000-foot exception has been removed, aircraft which maintain a true air speed of 110 knots or less and an altitude of 1,500 feet or less above the terrain are now exempt from the requirements of this Part. A military function of the United States is involved. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 620 is revised to read:

Subpart A—Introduction

Subpart B—Operating Rules

Subpart C—Designated Air Defense Identification Zones and Defense Areas

AUTHORITY: §§ 620.1 to 620.23 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 1201–1204, 64 Stat. 825; 49 U. S. C. 701–704.

SUBPART A—INTRODUCTION

§ 620.1 *Basis and purpose*—(a) *Basis.* This part is issued pursuant to sections 205 and 1201–1204 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 64 Stat. 825; 49 U. S. C. and Sup. 425, 701–704) Executive Order 10197 (15 F. R. 9180) and Department of Commerce Order 86, Amendment 5 (16 F R. 99)

(b) *Purpose.* This part establishes rules which have been found necessary in the interest of national security to identify, locate, and control United States and foreign aircraft operated within areas designated by the Administrator of Civil Aeronautics as Air Defense Identification Zones (ADIZ)

§ 620.2 *Definitions.* As used in this part, the following words shall mean:

(a) *Aircraft.* Any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

(b) *Air Defense Identification Zone (ADIZ).* Airspace of defined dimensions designated by the Administrator of Civil Aeronautics within which the ready identification, location, and control of aircraft is required in the interest of the national security.

(1) *Domestic Air Defense Identification Zone.* An Air Defense Identification Zone within the United States or along an international boundary of the United States.

(2) *Coastal Air Defense Identification Zone.* An Air Defense Identification Zone over the coastal waters of the United States.

(c) *Open area.* An area within the Continental United States not designated as an ADIZ or Defense Area within which the flight of aircraft is restricted by the provisions of this part, only during an Air Defense Emergency.

(d) *Defense area.* Airspace of defined dimensions designated by the Administrator of Civil Aeronautics within which the ready control of aircraft is required in the interest of the national security during an Air Defense Emergency.

(e) *Air defense emergency.* Any state of events which indicates to Commander in Chief, Continental Air Defense Command, or higher authority that hostile action is in progress or is imminent or is sufficiently probable as to require, in the interest of national security, the implementation of any portion of approved plans and agreements for the defense of the United States.

(f) *Appropriate aeronautical facility.* The normal communications facility with which flight plans or position reports are filed.

(g) *CAA-Airways operations facility.* A Civil Aeronautics Administration control tower, air route traffic control center, or communications station.

(h) *Flight plan.* Specified information which is filed either verbally or in writing with an appropriate aeronautical facility relative to the intended flight of an aircraft.

(i) *Foreign aircraft.* An aircraft other than a United States aircraft defined in paragraph (o) of this section.

(j) *IFR flight.* A flight conducted under the instrument flight rules of the air traffic rules of Part 60 of this title.

(k) *Operate aircraft.* The use of aircraft, for the purpose of air navigation and includes the navigation of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft.

(l) *Person.* Any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(m) *Reporting point.* A geographical location in relation to which the position of an aircraft is reported.

(n) *United States.* The several States, the District of Columbia, and the several Territories and possessions of the United States (including areas of land or water administered by the United States under international agreement) including the Territorial waters and the overlying airspace thereof.

(o) *United States aircraft.* (1) An aircraft registered with the Administrator of Civil Aeronautics as a "civil aircraft of the United States",

(2) An aircraft of the national defense forces of the United States, or

(3) An aircraft of the Federal Government, or of a State, Territory or Possession of the United States, or the District of Columbia, or of any political subdivision thereof which has been registered with the Administrator of Civil Aeronautics.

(p) *VFR flight.* A flight conducted under the Visual Flight Rules of the air traffic rules of Part 60 of this title.

SUBPART B—OPERATING RULES

§ 620.10 *Scope.* Aircraft shall not be operated into or within and Air Defense Identification Zone (ADIZ) prescribed by the Administrator in Subpart C of this part in violation of the rules stated in this subpart.

NOTE: These Air Defense Identification Zones are depicted in CAA Flight Information Manual, Radio Facility Charts published by the Coast and Geodetic Survey, and USAF and Navy Radio Facility Charts.

§ 620.11 *Flight plans.* Unless otherwise authorized under § 620.13, prior to penetrating an ADIZ or prior to takeoff from a point within an ADIZ, a flight plan shall be filed with an appropriate aeronautical facility.

NOTE: Pilots are urged to file flight plans in person or by telephone prior to take-off. Within the Continental United States, a pilot unable to file in person may file a DVFR flight plan by placing a collect telephone call to the nearest CAA communications station or other CAA facility. (Standard procedures for making use of this service are published in the Airman's Guide and Flight Information Manual.)

(a) *IFR flights.* Unless an abbreviated flight plan is authorized by air traffic control, the flight plan shall contain the following information:

(1) Aircraft identification, and if necessary, radio call sign;

(2) Type of aircraft, or in the case of a formation flight, the types and number of aircraft involved;

(3) Full name, address, and number of pilot certificate of pilot in command of the aircraft, or of the flight commander if a formation flight is involved;

(4) Point of departure;

(5) Cruising altitude, or altitudes, and the route to be followed;

(6) Point of first intended landing;

(7) Proposed true air speed at cruising altitude;

(8) Radio transmitting and receiving frequencies to be used;

(9) Proposed time of departure;

(10) Estimated elapsed time until arrival over the point of first intended landing;

(11) Alternate airport or airports;

(12) Amount of fuel on board expressed in hours;

(13) Any other information which the pilot in command of the aircraft, or air traffic control, deems necessary for air traffic control purposes;

(14) For international flights, the number of persons on board.

(b) *VFR flights.* Unless an abbreviated flight plan is authorized by air traffic control, the flight plan shall contain the information specified in paragraphs (a) (1) through (10) of this section. Such a flight plan shall be designated by the pilot in command as a Defense Visual Flight Rules (DVFR) flight plan.

(c) *Notification of arrival.* If a DVFR flight plan has been filed, or if an IFR flight plan has been filed for a flight for which an air traffic control clearance is not required, the pilot in command of the aircraft, upon landing or completion of the flight, shall file an arrival or completion notice with the nearest CAA communications station or control tower, unless the pilot in command states in the flight plan that no arrival notice will be filed.

NOTE: Pilots are urged to file flight plans either in person or by telephone. Flight plans filed by radio while in flight may result in interception of the aircraft to confirm its identity.

§ 620.12 *Reporting points*—(a) *Flights within or penetrating a Domestic ADIZ.* Unless otherwise authorized under § 620.13:

(1) *IFR flights*—(i) *Within control zones and areas.* Position reports shall be made as required by the Instrument Flight Rules of Part 60 of this title.

(ii) *Outside control zones and areas.* The reporting procedures specified for DVFR flights will apply.

(2) *DVFR flights.* The pilot in command of an aircraft shall not operate an aircraft into or within an ADIZ unless the aircraft is equipped with a functioning two-way radio and shall not enter an ADIZ until:

(i) He has reported to an appropriate aeronautical facility the time, position, and altitude at which the aircraft passed the last reporting point along the flight path of the aircraft prior to penetration of an ADIZ and his estimated time over the next reporting point along the intended flight path of the aircraft; or if it is not practicable to comply with this reporting procedure.

(ii) A report which contains the estimated time, position, and altitude at which he will penetrate the ADIZ has been made to an appropriate aeronautical facility at least fifteen minutes prior to penetration.

NOTE: A pilot of an aircraft departing from an airport too close to an ADIZ boundary to reach cruising altitude before entering the ADIZ or to report an estimated time and place of penetration at least 15 minutes prior to penetration will be considered to have complied with 620.12 and 620.14:

Provided, He reports immediately after takeoff the departure time with an estimate at the first reporting point along the flight path.

(b) *Aircraft entering the United States through a Coastal ADIZ*—(1) *United States aircraft.* The reports prescribed in paragraph (a) of this section are required.

(2) *Foreign aircraft.* The pilot in command of a foreign aircraft shall not operate an aircraft into the United States without:

(i) Making position reports as prescribed for United States aircraft in subparagraph (1) of this paragraph, or

(ii) Reporting to an appropriate aeronautical facility when the aircraft is not less than one hour and not more than two hours average cruising distance via the most direct route, from the United States. Thereafter, reports shall be made as instructed by the facility receiving the original report.

NOTE: Operators of foreign aircraft who exercise the optional position reporting method described in subdivision (ii) of this subparagraph are cautioned that this pro-

cedure does not eliminate the position reporting requirements prescribed for the control of air traffic.

§ 620.13 *Authorized exceptions.* The provisions of this subpart except for § 620.17 are not applicable to the following aircraft operations:

(a) *Speeds excepted.* Aircraft operating into or within an ADIZ at true air speeds of 110 knots or less if the flight is conducted at an altitude of 1,500 feet or less above the terrain.

(b) *Altitudes excepted*—(1) *Hawaiian ADIZ.* Aircraft operating within the Hawaiian ADIZ on inter-Hawaiian Island flights on Red Civil Airway No. 87 southeast of the Island of Oahu, below seven thousand (7,000) feet MSL.

(2) *Alaskan Domestic ADIZ.* Aircraft operating within the Alaskan Domestic ADIZ on a VFR flight originating from within the Alaskan Domestic ADIZ if:

(i) The flight is confined to altitudes of 4,000 feet or less above the immediate terrain; and

(ii) The aircraft is flown no closer than 500 feet to any other aircraft.

(c) *Areas or routes excepted*—(1) *General.* Flights exempted by a CAA air route traffic control center. Such flights shall be operated in accordance with the instructions, if any issued at the time the exemption is granted.

NOTE: Flights which may be exempted, after approval has been obtained from appropriate military commanders, are (a) flights wholly within the boundaries of an ADIZ, (b) flights not currently of significance to the air defense system, or (c) military flights which are conducted in accordance with special procedures prescribed by appropriate military authorities.

(2) *Continental United States.* (i) A flight originating within the Eastern Defense Area which maintains an outbound track into or through the Eastern ADIZ, Northern ADIZ, Presque Isle ADIZ, or Southern Border ADIZ without penetrating the Albuquerque ADIZ, Western ADIZ, or a Coastal ADIZ.

(ii) A flight originating within the Western Defense Area which maintains an outbound track into or through the Western ADIZ, Northern ADIZ, or Southern Border ADIZ without penetating the Albuquerque ADIZ, Eastern ADIZ, or a Coastal ADIZ.

(iii) A flight originating within the Central Open Area which maintains an outbound track into or through the Northern ADIZ or Southern Border ADIZ without pentrating the Albuquerque ADIZ, Eastern ADIZ, or Western ADIZ.

(iv) A flight originating in the Albuquerque ADIZ proceeding outbound into the Central Open Area without penetrating the Eastern or Western ADIZ. *Provided,* The route of flight passes no closer to Albuquerque or Los Alamos, New Mexico, than the point of departure.

(v) A local flight within ten (10) miles of the point of departure.

(vi) *Exception from requirement for two-way radio.* Aircraft without two-way radio may enter and operate within an ADIZ. *Provided,* That the pilot adheres to a filed DVFR flight plan which includes the route, altitude, point of penetration and estimated elapsed time to the point of penetration. Aircraft without two-way radio may operate entirely within an ADIZ. *Provided,* That the pilot adheres to a filed DVFR flight plan which includes the route and altitude within the ADIZ and he departs within five minutes of his estimated time of departure.

NOTE: The tolerances outlined in the note under § 620.14 (b) will apply to this exemption.

(3) *Hawaiian ADIZ.* Aircraft operating within the Hawaiian ADIZ over any island or within three miles of the coastline of any island.

(4) *Guam ADIZ.* Within the Guam ADIZ, the exceptions of subparagraph (1) of this paragraph may be granted by the aeronautical facility exercising security control. The instructions issued at the time authorization is granted for an intra-zone VFR flight shall include the requirement that the aircraft be equipped with a functioning two-way radio and that a listening watch be maintained on the appropriate radio frequency.

§ 620.14 *Adherence to flight plans or air traffic clearances*—(a) *IFR flights*—(1) *Within control zones and areas.* No deviation shall be made from an air traffic clearance unless an amended clearance is obtained from CAA air traffic control. In case emergency authority is used to deviate from the provision of an air traffic clearance, the pilot in command shall notify air traffic control as soon as possible and, if necessary, obtain an amended clearance. However, nothing in this paragraph shall prevent a pilot, operating on an IFR traffic clearance, from notifying air traffic control that he is canceling his IFR flight plan and proceeding under VFR: *Provided,* That he is operating in VFR weather conditions when he takes such action.

NOTE: A pilot who cancels an IFR flight plan should not neglect to file a DVFR flight plan if any of the remainder of the flight will be conducted in an Air Defense Identification Zone.

(2) *Outside control zones and areas.* When a flight is conducted in accordance with IFR within or into an ADIZ where an air traffic clearance is not required by the Civil Air Regulations, no deviation from the flight plan, as filed, shall be made unless prior notification is given to an appropriate aeronautical facility.

(b) *DVFR flights.* No deviation shall be made from a DVFR flight plan unless prior notification is given to an appropriate aeronautical facility.

NOTE: The requirements of the air defense of the United States make it imperative that pilots adhere to their flight plans or air traffic clearances within the following time distance, and altitude tolerances. Failure to meet these requirements may jeopardize the effective identification of aircraft and thereby the national defense effort. Flights which are operated in excess of these tolerances may be subject to interception:

(a) Five minutes from an estimated time over a reporting point or point of penetration of an ADIZ; or, in the case of a flight originating within an ADIZ, five minutes from the proposed time of departure specified in the flight plan, unless the actual time of departure is reported to the appropriate aeronautical facility.

(b) Ten miles from the centerline of the route of flight if the flight is entering or operating within a Domestic ADIZ or 20 miles from the centerline of the route of flight if the flight is entering or operating within a Coastal ADIZ.

(c) A pilot in command of an aircraft when on a DVFR flight plan or an IFR flight plan for which air traffic clearance is not required should not deviate from the cruising altitude specified in the flight plan unless prior notification is given to an appropriate aeronautical facility, except that he may begin descent from the altitude specified in the flight plan within reasonable distance of destination without reporting change of altitude.

§ 620.15 *Emergency situations.* In emergency situations which require immediate decision and action for the safety of the flight, the pilot in command of the aircraft may deviate from the provisions of this part to the extent required for such emergency. When a deviation is exercised, the pilot in command shall report such deviation and the reasons therefor, as soon as practicable to an appropriate aeronautical facility.

§ 620.16 *Radio failure*—(a) *IFR flights.* If unable to maintain two-way radio communications, the pilot in command of the aircraft shall:

(1) If operating under VFR conditions, proceed under VFR and land as soon as practicable, or

(2) Proceed according to the latest air traffic clearance to the radio facility serving the airport of intended landing, maintaining the minimum safe altitude or the last acknowledged assigned altitude whichever is higher. Descent shall start at the expected approach time last authorized or, if not received and acknowledged, at the estimated time of arrival indicated by the elapsed time specified in the flight plan.

NOTE: Detailed procedures to be followed by the pilot are contained in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

(b) *DVFR flights.* In case of the failure of two-way radio communications the flight may proceed in accordance with the original DVFR flight plan, and the pilot in command of the aircraft shall make a report of such failure, as soon as possible, to an appropriate aeronautical facility.

§ 620.17 *Air defense security instructions.* Under emergency air defense conditions which may involve the national security, aircraft shall be operated into or within an ADIZ in accordance with such additional special security instructions as may be issued by the Administrator. Such instructions will be consistent with the provisions of the "Plan for the Security Control of Air Traffic During a Military Emergency," as approved 15 July 1952, or as subsequently amended.

§ 620.18 *Violations.* In addition to the penalties otherwise provided for by the Civil Aeronautics Act of 1938, as amended, any person who knowingly or wilfully violates any provision prescribed in this part, or any order issued thereunder shall be deemed guilty of a mis-

demeanor and upon conviction thereof, shall be subject to a fine of not exceeding $10,000 or to imprisonment not exceeding one year, or to both such fine and imprisonment.

SUBPART C—DESIGNATED AIR DEFENSE IDENTIFICATION ZONES AND DEFENSE AREAS

§ 620.20 *General.* Airspace above the following described areas is established by the Administrator of Civil Aeronautics as Domestic or Coastal Air Defense Identification Zones or Defense Areas.

§ 620.21 *Domestic ADIZ's*—(a) *Northern (Domestic) ADIZ.* The area bounded by a line 48°29'38" N., 124°43'35" W., eastward along U. S.-Canadian Border to 47°10' N., 85°31' W., 46°51' N., 94°00' W., 47°10' N., 96°17' W., 48°00' N., 99°00' W., to 48°00' N., 125°15' W., 48°29'38" N., 124°43'35" W (point of beginning)

(b) *Presque Isle (Domestic) ADIZ.* The area bounded by a line 46°00' N., 69°36' W., 46°00' N., 70°18' W., northward and eastward along U. S.-Canadian Border to 44°46'36" N., 66°54'11" W., 44°30' N., 67°07' W., 44°19' N., 67°53' W., 46°00' N., 69°36' W (point of beginning)

(c) *Eastern (Domestic) ADIZ.* The area bounded by a line 46°51' N., 94°00' W., 42°00' N., 96°45' W., 39°20' N., 95°10' W., 38°23' N., 95°08' W., 37°30' N., 94°15' W., 37°30' N., 92°00' W., 36°00' N., 87°15' W., 35°45' N., 86°30' W., 35°00' N., 85°30' W., 33°30' N., 84°50' W., 30°50' N., 82°20' W., 30°50' N., 80°54' W., 30°05' N., 81°07' W., 28°45' N., 80°00' W., 27°30' N., 82°56' W., 27°47' N., 83°08' W., 28°45' N., 82°57' W., 29°50' N., 84°00' W., 30°10' N., 83°30' W., 31°45' N., 84°00' W., 34°55' N., 87°50' W., 35°15' N., 89°08' W., 35°40' N., 91°15' W., 36°00' N., 93°20' W., 36°00' N., 95°15' W., 41°30' N., 98°00' W., 43°50' N., 98°00' W., 47°10' N., 96°17' W., 46°51' N., 94°00' W. (point of beginning)

(d) *Albuquerque (Domestic) ADIZ.* The area bounded by a line 37°02' N., 110°52' W., 38°45' N., 108°30' W., 38°14' N., 104°50' W., 37°15' N., 104°30' W., 37°15' N., 104°14' W., 35°10' N., 104°00' W., 34°00' N., 104°00' W., 33°00' N., 105°30' W., 33°00' N., 107°30' W., 34°00' N., 110°50' W., 35°00' N., 110°50' W., 37°02' N., 110°52' W (point of beginning)

(e) *Western (Domestic) ADIZ.* The area bounded by a line 48°00' N., 117°00' W., 48°00' N., 115°00' W., 46°30' N., 115°00' W., 44°45' N., 117°15' W., 38°00' N., 117°00' W., 36°00' N., 113°32' W., 32°10' N., 113°45' W., westward along U. S.-Mexican Border to 32°43' N., 114°45' W 33°08' N., 114°55' W., 33°30' N., 115°15' W., 34°30' N., 116°00' W., 35°31' N., 116°22' W., 36°00' N., 117°05' W., 36°00' N., 118°48' W., 39°15' N., 121°00' W., 44°15' N., 121°00' W., 45°20' N., 118°15' W., 48°00' N., 117°00' W (point of beginning)

(f) *Southern Border (Domestic) ADIZ.* A line extending from 32°16' N., 117°08' W., 32°30' N., 117°20' W., 32°32'03" N., 117°07'25" W., eastward along the U. S.-Mexican Border to 25°53' N., 97°07' W

(g) *Alaskan (Domestic) ADIZ.* The area bounded by a line 69°50' N., 141°00' W., 60°18' N., 141°00' W., easterly along the International Boundary line to 60°20' N., 139°30' W., 59°30' N., 139°30' W., 59°28' N., 146°18' W., 56°34' N., 154°10' W., 58°39' N., 162°03' W., 63°17' N., 168°42' W., 68°53' N., 166°16' W., 71°18' N., 156°44' W., 69°50' N, 141°00' W. (point of beginning)

§ 620.22 *Coastal ADIZ's*—(a) *Pacific (Coastal) ADIZ.* The area bounded by a line 48°29'38" N., 124°43'35" W., 48° 00' N., 125°15' W., 46°15' N., 124°30' W., 43°00' N., 124°40' W., 40°00' N., 124°35' W., 38°50' N., 124°00' W., 34°50' N., 121°10' W., 34°00' N., 120°30' W., 32°16' N., 118°25' W., 32°16' N., 117°08' W., along line parallel to and approximately 12 miles from the Mexican Coast to 29°00' N., 114°51' W., 28°00' N., 123°10' W., 37°42' N., 130°40' W., 48°30' N., 132°10' W., 48°30' N., 125°00' W., 48°29'38" N., 124°43'35" W. (point of beginning)

(b) *Atlantic (Coastal) ADIZ.* The area bounded by a line 44°30' N., 66°45' W., 43°00' N., 65°47' W., 39°30' N., 63° 45' W., 30°45' N., 74°00' W., 28°45' N., 80°00' W., 30°05' N., 81°07' W., 30°50' N., 80°54' W., 32°01' N., 80°32' W., 35° 10' N., 75°10' W., 36°10' N., 75°10' W., 37°00' N., 75°30' W., 39°30' N., 73°45' W., 40°15' N., 73°15' W., 41°15' N., 69° 30' W., 42°00' N., 69°30' W., 42°40' N., 70°10' W., 43°10' N., 70°00' W., 44°19' N., 67°53' W., 44°30' N., 67°07' W., 44° 30' N., 66°45' W (point of beginning)

(c) *Hawaiian (Coastal) ADIZ.* The area bounded by a line 24°15' N., 158°00' W., 22°30' N., 155°30' W., 19°45' N., 153°30' W., 19°00' N., 155°00' W., 18°15' N., 158°00' W., 20°00' N., 161°00' W., 22°30' N., 161°00' W., 24°15' N., 158°00' W. (point of beginning)

(d) *Guam (Coastal) ADIZ.* The area bounded by a circle with a radius of 200 nautical miles centered at the Guam Radio Range Station. (Latitude 13°32' 41" N., Longitude 144°50'30" E.)

(e) *Alaskan (Coastal) ADIZ.* The area bounded by a line 73°00' N., 141°00' W., 69°50' N., 141°00' W., 71°18' N., 156°44' W., 68°53' N., 166°16' W., 63°17' N., 168°42' W., 58°39' N., 162°03' W., 56°34' N., 154°10' W., 59°28' N., 146°18' W., 59°30' N., 139°30' W., 57°00' N., 139°30' W., 52°00' N., 153°00' W., 53°54' N., 166°31' W., 61°45' N., 177°00' W., 65°00' N., 169°00' W., 73°00' N., 169°00' W., 73°00' N., 141°00' W. (point of beginning)

§ 620.23 *Defense areas*—(a) *Eastern Defense Area.* The area bounded by a line 46°51' N., 94°00' W., 47°10' N., 85°31' W., eastward along the U. S.-Canadian Border to 46°00' N., 70°18' W., 46°00' N., 69°36' W., 44°19' N., 67°53' W., 43°10' N., 70°00' W., 42°40' N., 70°10' W., 42°00' N., 69°30' W., 41°15' N., 69°30' W., 40°15' N., 73°15' W., 39°30' N., 73°45' W., 37°00' N., 75°30' W., 36°10' N., 75°10' W., 35°10' N., 75°10' W., 32°01' N., 80°32' W., 30°50' N., 80°54' W., 30°50' N., 82°20' W., 33°30' N., 84°50' W., 35°00' N., 85°30' W., 35°45' N., 86°30' W., 36°00' N., 87°15' W., 37°30' N., 92°00' W., 37°30' N., 94°15' W., 38°23' N., 95°08' W., 39°20' N., 95°10' W., 42°00' N., 96°45' W., 46°51' N., 94°00' W. (point of beginning)

(b) *Western Defense Area.* The area bounded by a line 48°00' N., 125°15' W., 48°00' N., 117°00' W., 45°20' N., 118°15' W., 44°15' N., 121°00' W., 39°15' N., 121°00' W., 36°00' N., 118°48' W., 36°00' N., 117°05' W., 35°31' N., 116°22' W., 34°30' N., 116°00' W., 33°30' N., 115°15' W., 33°03' N., 114°55' W., 32°43' N., 114°45' W., westward along U. S.-Mexican Border to 32°32'03" N., 117°07'25" W., 32°30' N., 117°20' W., 32°16' N., 117°03' W., 32°16' N., 118°25' W., 34°00' N., 120°30' W., 34°50' N., 121°10' W., 38°50' N., 124°00' W., 40°00' N., 124°35' W., 43°00' N., 124°40' W., 46°15' N., 124°30' W., 48°00' N., 125°15' W. (point of beginning)

NOTE: Unless specifically stated otherwise, the lines between points herein described are great circles except those lines between adjacent points on the same parallel of latitude. In this latter case, the lines are rhumb lines.

This part shall become effective 0001 e. s. t. December 1, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8316; Filed, Oct. 31, 1955; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6253]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN WHOLESALE FURNITURE CO. ET AL.

Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1550 *Retailer as wholesaler jobber, or factory distributor.* [*Misrepresenting oneself and goods*]—Prices: § 13.1620 *Retail or selling as dealer's, wholesale, or factory distributor's.* Subpart—*Using misleading name*—Vendor: § 13.2460 *Retailer as wholesaler, jobber, or distributor.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, American Wholesale Furniture Company et al., Chicago, Ill., Docket 6253, October 4, 1955]

In the Matter of American Wholesale Furniture Company, a Corporation, and Peter K. Barskis and Eleanora Barskis, Individually and as Officers of said Corporation

This proceeding was heard by Loren H. Laughlin, hearing examiner, upon the complaint of the Commission—which charged respondents with improper use of the word "Wholesale" in their corporate name and with representing thereby that their merchandise, including furniture, appliances, rugs, and luggage, was sold to the general public at wholesale prices—and an agreement between counsel for the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of October 17, 1955, pursuant to § 3.21 of the rules of practice, became, on October 4, 1955, the "Decision of the Commission"

The order to cease and desist is as follows:

It is ordered, That respondents, American Wholesale Furniture Company, a corporation, and its officers, and Peter K. Barskis and Eleanora Barskis, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any other corporate or other device, in connection with the offering for sale, sale or distribution of merchandise to the general public, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "wholesale" or any other word or words of similar import as a part of any corporate or trade name, or representing in any manner, directly or indirectly, that they operate as a wholesaler.

2. Representing that the prices at which they offer to sell or sell their merchandise are wholesale prices.

By said "Decision of the Commission" report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 17, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-8795; Filed, Oct. 31, 1955; 8:48 a. m.]

[Docket 6362]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FUELGAS CORP. ET AL.

Subpart—*Coercing and intimidating:* § 13.350 *Customers or prospective customers:* To enter into or observe exclusive and tying dealing agreements: *By canceling franchise agreements and threats of· By punitive action against recalcitrants.* Subpart—*Cutting off competitors' or others' supplies or service:* § 13.610 *Cutting off competitors' or others' supplies or service;* § 13.655 *Threatening disciplinary action or otherwise.* Subpart—*Dealing on exclusive and tying basis:* § 13.670 *Dealing on exclusive and tying basis.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 4, 38 Stat. 731; 15 U. S. C. 45, 15) [Cease and desist order, Fuelgas Corporation et al., Chester, N. Y., Docket 6362, October 6, 1955]

In the Matter of Fuelgas Corporation, a Corporation, Morris Birnbaum and Daniel Birnbaum, Individually and as Officers of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission—which charged respondents with making sales and contracts for sale of their liquefied petroleum gas, "Homgas" steel containers for storage and transportation of said gas, gas service equipment and gas burning appliances, and making leases of their said steel containers on condition that the purchaser-distributor or lessee not use or deal in the goods, etc., of respondents' competitors; and with canceling distributors' contracts and otherwise intimidating distributors unless they rigidly adhered to such exclusive-dealing contracts—and an agreement between respondents and counsel supporting the complaint providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of October 6, 1955, pursuant to § 3.21 of the rules of practice, became the "Decision of the Commission"

The order to cease and desist is as follows:

It is ordered, That the respondents, Fuelgas Corporation, a corporation, Morris Birnbaum, Daniel Birnbaum, individually and as officers of said corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of liquefied petroleum gas, steel containers for such gas, gas service equipment, or gas burning appliances or in connection with the leasing of such gas containers or gas service equipment in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Selling or making any contract for sale or lease of any such products on the condition, agreement or understanding that the purchaser or lessee thereof shall not use, deal in or sell such products obtained or leased from any competitor or competitors of respondents;

2. Enforcing or continuing in operation or effect any condition, agreement or understanding in, or in connection with, any existing contract of sale or lease, which condition, agreement or understanding is that the purchaser of such products from respondents will deal in and sell or lease only such products supplied by respondents and not those of a competitor or competitors of respondents:

It is further ordered, That the respondents, Fuelgas Corporation, a corporation, Morris Birnbaum and Daniel Birnbaum, individually and as officers of said corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of liquefied petroleum gas, steel containers for such gas, gas service equipment, or gas burning appliances or in connection with the leasing of such gas containers or gas service equipment in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or making any contract for sale or lease of any such products on the condition, agreement, or understanding that the purchaser or lessee thereof shall not use, deal in, or sell such products obtained or leased from any competitor or competitors of respondents;

2. Enforcing or continuing in operation or effect any condition, agreement, or understanding in, or in connection with, any existing contract of sale or lease, which condition, agreement, or understanding is that the purchaser of such products from respondents will deal in and sell or lease only such products supplied by respondents and not those of a competitor or competitors of respondents;

3. Cancelling, or directly or by implication threatening the cancellation of, any contract or franchise or selling agreement with respondents' distributors, or with any other customers, for the sale or lease of said products, because of the failure of such purchasers to purchase or deal exclusively in the products sold and distributed by respondents.

4. Enjoining or threatening to enjoin any of respondents' distributors or customers from engaging in the liquefied petroleum gas business for the period of five years, three years or any other period, where such actions are taken by respondents for the purpose or having the effect either of coercing or intimidating such distributors into dealing in respondents' products to the exclusion of products of competitors or for the purpose or having the effect of retaliating against such distribtuors for their failure or refusal to purchase or deal exclusively in the products sold and distributed by respondents.

5. The performance of any act of intimidation or coercion either through statements, oral or written, made by representatives of respondents either at the time when a distributor agrees to purchase or lease any products from respondents or during the course of any calls made upon distributors or customers at their places of business or at any other time or place, or the use of any other plan, practice, system or method of doing business for the purpose or having the effect of intimidating or coercing the respondents' distributors or other customers to purchase or lease the products or merchandise in which they deal, exclusively from respondents.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 6, 1955.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 55-8794; Filed, Oct. 31, 1955; 8:48 a. m.]

[Docket 6366]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

UNION MALLEABLE MANUFACTURING CO.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c) § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, The Union Malleable Manufacturing Company, Ashland, Ohio, Docket 6366, October 13, 1955.]

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission—which charged respondent manufacturer with granting an allowance amounting to brokerage to Sears Roebuck & Company on direct purchases of respondent's "U-Brand" plumbing supplies in addition to the discounts allowed its other customers, all of whom purchased through brokers—and an agreement between counsel for the parties providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of September 23, 1955, pursuant to § 3.21 of the rules of practice, became, on October 13, 1955, the "Decision of the Commission"

The order to cease and desist is as follows:

It is ordered, That the respondent, The Union Malleable Manufacturing Company, a corporation, and its officers, directors, associates, or employees, directly or through any corporate or any other device, in connection with the sale of plumbing products or any other merchandise in interstate commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Granting or giving, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of any buyer, anything of value as a commission, brokerage, or other compensation or any discount or allowance in lieu thereof, upon or in connection with any sale of plumbing products, or other commodities, made for the buyer's own account.

By said "Decision of the Commission" report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 23, 1955.

By the Commission.

[SEAL] JOHN R. HEIL, *Acting Secretary.*

[F. R. Doc. 55-8793; Filed, Oct. 31, 1955; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Correction

In Federal Register Document 55-8682, published at page 8073 of the issue for Thursday, October 27, 1955, the introductory text of amendatory paragraph 10d (affecting § 29.1) should read as follows:

d. A new subparagraph (6) reading as follows, is added to paragraph (e)

PART 130—DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION OF MECLIZINE HYDROCHLORIDE PREPARATIONS FROM PRESCRIPTION-DISPENSING REQUIREMENTS

The Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3) 505 (c), 701 (a), 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3) 355 (c) 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR, 1954 Supp. 1.108 (c)) and finding that no written comments have been filed with respect to the notice of proposed rule making published in the FEDERAL REGISTER on September 24, 1955 (20 F. R. 7170) hereby orders the following amendment:

Section 130.1 (a) is amended by adding the following new subparagraph (6)

§ 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale.* (a) * * *

(6) Meclizine hydrochloride (1-*p*-chlorobenzhydryl-4-*m*-methylbenzylpiperazine dihydrochloride) preparations meeting all the following conditions:

(i) The meclizine hydrochloride is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The meclizine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of meclizine hydrochloride per dosage unit.

(v) The preparation is labeled with adequate directions for use in the prevention of motion sickness.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 50 milligrams of meclizine hydrochloride per 24-hour period; for children 6 to 12 years of age, 25 milligrams of meclizine hydrochloride per 24-hour period.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Administration of the drug to children under 6 years of age, except as directed by a physician.

(*c*) Driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*d*) Keeping the drug within reach of children, if it is in candy form.

This amendment removes the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C) 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)) These drugs were previously limited by their new-drug applications to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed that they were safe only if used under professional supervision.

Pursuant to the regulations in § 1.108 (c) of this chapter (21 CFR, 1954 Supp., 1.108 (c)) petitions have been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3) 505 (c) 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3) 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

Effective date. This order shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503, 505; 52 Stat. 1051 as amended; 21 U. S. C. 353, 355)

Dated: October 25, 1955.

[SEAL] GEO. P LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 55-8783; Filed, Oct. 31, 1955; 8:46 a. m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and

Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F R. 1996) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Part 141c; 20 F R. 1551) and certification of antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Parts 146a, 146c; 20 F R. 3, 1551) are amended as indicated below:

1. Section 141c.222 is amended by changing the section headnote and paragraphs (b) and (c) to read as follows:

§ 141c.222 *Tetracycline hydrochloride oral suspension, tetracycline hydrochloride oral solution, tetracycline calcium oral suspension.* * * *

(b) *Moisture.* If it is tetracycline hydrochloride oral suspension or tetracycline hydrochloride oral solution, proceed as directed in § 141a.7 (c) of this chapter.

(c) *pH.* If it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension, use the undiluted drugs and proceed as directed in § 141a.5 (b) of this chapter.

2. Section 146a.45 *Procaine penicillin in oil* is amended by changing the words "18 months," in paragraph (c) (1) (iii) to read "18 months or 24 months,"

3. Section 146c.222 is amended by changing the section headnote, paragraphs (a) (c) (1) (v) and (3) (ii) and (d) (2) (i) to read as follows:

§ 146c.222 *Tetracycline hydrochloride oral suspension, tetracycline hydrochloride oral solution, tetracycline calcium oral suspension*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride oral suspension, tetracycline hydrochloride oral solution, and tetracycline calcium oral suspension are tetracycline hydrochloride or tetracycline calcium prepared from tetracycline hydrochloride, with one or more suitable and harmless suspending and dispersing agents (unless it is tetracycline hydrochloride oral solution) with or without one or more suitable sulfonamides; and with or without one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives, suspended or dissolved in a suitable and harmless vehicle. If it is tetracycline hydrochloride oral suspension it may contain one or more suitable and harmless vitamin substances. Each milliliter shall contain not less than the equivalent of 25 milligrams of tetracycline hydrochloride. Its moisture content is not more than 2 percent if it is tetracyline hydrochloride oral suspension and not more than 7 percent if it is tetracycline hydrochloride oral solution. Its pH is not less than 2.0 and not more than 3.5 if it is tetracycline hydrochloride oral solution and not less than 7.0 and not more than 8.0 if it is tetracycline calcium oral suspension. The tetracycline hydrochloride used conforms to the standards prescribed by § 146c.218 (a) except § 146c.218 (a) (2) (4) and (5) Each other substance used, if its name is recognized in the U. S. P or N. F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(c) *Labeling.* * * *

(1) * * *

(v) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months (if it contains one or more vitamin substances or if it is tetracycline hydrochloride oral solution) or 18 months (if it is tetracycline hydrochloride oral suspension or tetracycline calcium oral suspension) after the month during which the batch was certified: *Provided, however* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

* * * * *

(3) * * *

(ii) If it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension and it contains one or more sulfonamides, after the name "tetracycline hydrochloride oral solution" or "tetracycline calcium oral suspension," wherever it appears, the words "with sulfonamide(s) " in juxtaposition with such name.

* * * * *

(d) *Request for certification, samples.* * * *

(2) * * *

(i) The batch: Average potency per milliliter, average moisture if it is tetracycline hydrochloride oral suspension or tetracycline hydrochloride oral solution, and pH if it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension.

4. In § 146e.425 *Bacitracin powder* paragraph (a) *Standards of identity* * * * is amended by changing the number "25" in the second sentence to read "10."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended, 67 Stat. 389; 21 U. S. C. 352, 357)

Dated: October 26, 1955.

[SEAL] GEO. P LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8807; Filed, Oct. 31, 1955; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

SERVICE MEDALS; MISCELLANEOUS AMENDMENTS

1. In § 578.26 (g), amend subparagraph (4) to read as follows:

§ 578.26 *General.* * * *

(g) *Award.* * * *

(4) Heads of Department of the Army Staff agencies, general and field grade officers commanding installations and activities or separate battalions and larger units, including military districts, and the adjutants general of the several States, Territories, Puerto Rico, and the District of Columbia are authorized to determine eligibility for, award, requisition, and issue the Armed Forces Reserve Medal and appurtenances. Heads of Department of the Army Staff agencies may delegate this authority to commanders of installations and activities under their command and not included above.

* * * * *

2. In § 578.27 (a) revise subparagraph (1) (iii) and add subparagraph (4), as follows:

§ 578.27 *Good Conduct Medal.* * * *

(a) *Requirements.* (1) Exemplary behavior, efficiency, and fidelity in an enlisted status for:

* * * * *

(iii) Upon termination of service for a period of less than 3 continuous years but more than 1 continuous year when any portion of that period of service is rendered between June 27, 1950, and a date to be announced and no previous award of the Good Conduct Medal has been made. For enlisted personnel serving overseas who are returning to the United States for separation, the Good Conduct Medal may be awarded under this provision by the authorized commander at the last duty station prior to return to the United States. Such award will not be made earlier than 60 days preceding scheduled date of separation. Discharge from enlisted status for immediate entry on active duty in an officer status or as a cadet of the United States Military Academy or other service academy is considered termination of service for the purpose of awarding the Good Conduct Medal.

* * * * *

(4) The individual must not be serving in, nor have been serving in at the time of separation, the type of assignment designated by the term "specially controlled duties" as defined in AR 604-10 (Military Personnel Security Program)

* * * * *

3. Revise paragraph (a) of § 578.48 to read as follows:

§ 578.48 *Army of Occupation Medal.* Established by section I, WD General Orders 32, 1946:

(a) *Requirements.* Service for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger status, temporary duty, or detached service) while assigned to any of the following armies of occupation:

(1) Army of Occupation of Germany (exclusive of Berlin) between May 9, 1945, and May 5, 1955. (Service between May 9, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 8, 1945.)

(i) Service for the prescribed period with an organization which has been designated in Department of the Army general orders as having met the requirements for the Berlin airlift device on an individual basis in orders issued by appropriate field authority will qualify the individual for the award.

(ii) The orders announcing the award of the Berlin airlift device will specifically award the Army of Occupation Medal to persons not otherwise eligible therefor.

(2) Army of Occupation of Austria between May 9, 1945, and July 27, 1955. (Service between May 9, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.)

(3) Army of Occupation of Berlin between May 9, 1945, and a terminal date to be announced later. (Service between May 9, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.)

(4) Army of Occupation of Italy between May 9, 1945, and September 15, 1947, in the compartment of Venezia Giulia E Zara or Province of Udine, or with a unit in Italy as designated in DA General Orders 4, 1947. (Service between May 9, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.)

(5) Army of Occupation of Japan between September 3, 1945, and April 27, 1952, in the four main island of Hokkaido, Honshu, Shokoku, and Kyushu, the surrounding small islands of the Japanese homeland, the Ryukyu Islands, and the Bonin-Volcano Islands. (Service between September 3, 1945, and March 2, 1946, will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945. In addition, service which meets the requirements for the Korean Service Medal as prescribed in § 578.48b will not be counted in determining eligibility for this medal.)

(6) Army Occupation of Korea between September 3, 1945, and June 29, 1949, inclusive. (Service between September 3, 1945, and March 2, 1946, will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.)

* * * * *

[C5, AR 672-15, Oct. 13, 1955] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-8784; Filed, Oct. 31, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter D—Certificates and Scrip

[Circular 1940]

PART 130—GENERAL REGULATIONS INVOLVING CERTIFICATES AND SCRIP

RECORDATION OF SCRIP, LIEU SELECTION, AND SIMILAR RIGHTS

Sections 130.5 to 130.8 are added to Part 130, as follows:

Sec.
130.5 Statutory authority; types of rights affected.
130.6 Statutory time limits.
130.7 How to secure recordation.
130.8 Recordation and return of documents; significance of recordation.

AUTHORITY: §§ 130.5 to 130.8 issued under Pub. Law 247, 84th Cong.; 69 Stat. 534.

§ 130.5 *Statutory authority; types of rights affected.* (a) The act of August 5, 1955 (69 Stat. 534, 535), requires that any owner of, or any person claiming rights to, the scrip, lieu selection, and similar rights described in paragraph (b) of this section must present his holdings or claim for recordation by the Department of the Interior. The act further provides that claims or holdings not presented for recordation as required by the act will not thereafter be accepted by the Department of the Interior for recordation or as a basis for the acquisition of lands.

(b) The types of scrip, lieu selections and similar rights to which the act applies include the following, with the stated exception: Valentine scrip issued under the act of April 5, 1872 (17 Stat. 649) Sioux Half-Breed scrip issued under the act of July 17, 1854 (10 Stat. 304) Supreme Court scrip issued under the act of June 22, 1860 (12 Stat. 85) March 2, 1867 (14 Stat. 544) and June 10, 1872 (17 Stat. 378), Surveyor-General scrip issued under the act of June 2, 1858 (11 Stat. 294) soldiers' additional homestead right granted by sections 2306 and 2307 of the Revised Statutes; forest lieu selection right assertable under the act of March 3, 1905 (33 Stat. 1264), lieu selection right conferred by the act of July 1, 1898 (30 Stat. 597) bounty land warrant issued under the act of March 3, 1855 (10 Stat. 701), and any lieu selection or scrip right or bounty land warrant, or right in the nature of scrip issued under any act of Congress not enumerated above except indemnity selection rights of any State or the Territory of Alaska.

§ 130.6 *Statutory time limits.* The act requires owners of, and persons claiming rights to, any scrip, lieu selection, or similar rights described in § 130.5 (b) to present their claims or holdings for recordation within two years from August 5, 1955, with the following exceptions:

(a) Persons who, by transfer (by assignment, inheritance, operation of law, or otherwise) become owners of, or claimants of rights to, any such rights which have been recorded under the act must present their claims or holdings for recordation within six months after such transfer.

(b) Persons who, by transfer within the said period of two years from August 5, 1955, become owners of, or claimants of rights to, any such rights which have not been recorded under this act, must present their claims or holdings for recordation during the remainder of the said period of two years from August 5, 1955, or within six months from the date of such transfer, whichever period is longer.

§ 130.7 *How to secure recordation.* Persons who desire to record their holdings or claims under the act must present the following to the Director, Bureau of Land Management, Washington 25, D. C., within the time periods prescribed in § 130.6:

(a) A statement, in duplicate, captioned "Application for Recordation of Scrip, Lieu Selection, or Similar Rights under the act of August 5, 1955 (69 Stat. 534)" containing the (1) name and full post-office address of the applicant, (2) names and full post-office addresses of all the owners or claimants of the right presented for recordation, (3) the type of scrip or right presented (see paragraph (b) of § 130.5) and (4) the acreage of such scrip or right.

(b) The scrip, warrant, or other document which evidences their right, providing their right is based on such a document.

(c) A statement, in duplicate, showing the basis of their right, providing the right is not based on scrip, warant, or other document.

§ 130.8 *Recordation and return of documents; significance of recordation.* Upon receipt of an application for recordation, the Director, Bureau of Land Management, will make a record of the holding or claim in the name of the owners or claimants cited in the application; will note the documentary evidence of right submitted (or one copy of the statement showing the basis of the right, if there be no documentary evidence) with the date and place of recording; and will return the evidence to the applicant. Such notation will constitute evidence merely that the holding or claim was recorded under the act and will otherwise have no bearing, one way or another, on the validity of the claim.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

CLARENCE A. DAVIS,
Acting Secretary of the Interior

OCTOBER 25, 1955.

[F. R. Doc. 55-8787; Filed, Oct. 31, 1955; 8:46 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1242]

[Arizona 08808]

ARIZONA

WITHDRAWING PUBLIC LAND FOR USE OF THE DEPARTMENT OF AIR FORCE IN CONNECTION WITH LUKE AIR FORCE BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws and reserved for use of the Department of the Air Force in connection with Luke Air Force Base:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 1 W.,
Sec. 9, S½SW¼.

The area described contains 80 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior

OCTOBER 25, 1955.

[F. R. Doc. 55-8786; Filed, Oct. 31, 1955; 8:46 a. m.]

[Public Land Order 1243]

[Misc. 1752690]

FLORIDA

RESERVING PURLIC LANDS AS AN ADDITION TO ANCLOTE NATIONAL WILDLIFE REFUGE; PARTIALLY REVOKING EXECUTIVE ORDER OF FEBRUARY 1, 1886

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Florida are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved as an addition to the Anclote National Wildlife Refuge, established as the Anclote Migratory Bird Refuge by Executive Order No. 8081 of April 5, 1939, the name of which was changed by Proclamation No. 2416 of August 8, 1940, and which was enlarged by Public Land Order No. 319 of May 15, 1946, pursuant to the provisions of the Migratory Bird Conservation Act of February 18, 1939, c. 257 (45 Stat. 1222; 16 U. S. C. 715-715r)

TALLAHASSEE MERIDIAN

T. 26 S., R. 15 E.,
Sec. 31, that part of lot 1 lying south of a line bearing east and west through a point which is north 500 feet distant from the center of Anclote Key Lighthouse.
T. 27 S., R. 15 E.,
Sec. 6, lot 1.

The tracts described contain 22.45 acres.

The Executive order of February 1, 1886, reserving the above-described lands as the Anclote Keys Lighthouse Reservation, is hereby revoked except as to 0.17 acres on which the lighthouse is located, described as follows:

Beginning at a point which is located by running from the center of the light tower northwesterly and parallel to the southwest side of the tower foundation a distance of 42.5 feet to the place of beginning; thence northeasterly and parallel to the northwest side of said tower foundation a distance of 42.5 feet to a point; thence southeasterly and parallel to said southwest side of the tower foundation a distance of 85.0 feet to a point; thence southwesterly and parallel to said northwest side of the tower foundation a distance of 85.0 feet to a point; thence northwesterly and parallel to said southwest side of the tower foundation a distance of 85.0 feet to a point; thence northeasterly and parallel to said northwest side of the tower foundation a distance of 42.5 feet to place of beginning.

FRED G. AANDAHL,
Assistant Secretary of the Interior

OCTOBER 26, 1955.

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TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10962; FCC 55-1042]

[Rules Amdt. 3-58]

PART 3—RADIO BROADCAST SERVICES

INTERNATIONAL BROADCAST STATIONS

In the matter of amendment of Part 3, Subpart F of the Commission's rules governing International Broadcast Stations to provide for the use of the High Frequency Broadcasting Bands between 5,950 and 26,100 kilocycles by International Broadcast Stations.

1. On March 17, 1954, the Commission adopted a Notice of Proposed Rule Making in the above entitled matter (FCC 54-361) and set the date of May 19, 1954, as the last day upon which comments would be received from interested persons. Upon request from several interested parties, this date was extended to June 21, 1954.

2. Comments were received from the Columbia Broadcasting System (CBS) Associated Broadcasters, Inc. (Associated) General Electric (G. E.) World Wide Broadcasting System, Inc. (World Wide) Crosley Broadcasting Corp. (Crosley) and the United States Information Agency (USIA)

3. Inasmuch as interested persons directed their comments to particular sections of the Proposed Rules, in some instances objecting to the substance of a particular Rule and in other instances merely requesting clarification, this Report and Order will treat the individual Proposed Rules in numerical order.

4. *Section 3.701 (a)* World Wide commented that if the definition "International Broadcast Station" contemplated that rebroadcasting of the programs transmitted to a distant target area, by foreign stations in that target area, is to be prohibited, there is objection to the proposed definition. The only reply which can be made to this comment is to state that the Commission does not have jurisdiction over the transmissions of foreign stations which might rebroadcast programs originating from stations in the United States. In order to fully appreciate the significance of the Rules herein adopted it is necessary to review the definitions of services and stations appearing in Article 1 of the Radio Regulations of the International Telecommunication Union and in Part 2 of the Commission's Rules. The four pertinent definitions are:

Fixed Service—A service of radiocommunication between specified fixed points.

Fixed Station—A station in the fixed service.

Broadcasting Service—(a) A radiocommunication service of transmissions to be received directly by the general public.

(b) This service may include transmissions of sounds or transmissions by television, facsimile or other means.

Broadcasting Station—A station in the broadcasting service.

The rules herein adopted define "International Broadcast Station" in terms of the above definition of "Broadcasting Station."

5. From these definitions, it is quite clear that a program originating from a station in the United States which is to be rebroadcast by a station on foreign soil is a transmission in the fixed service. Therefore, the originating station, from the foregoing definitions, must be classified as a fixed station, since (a) it is "a service of radiocommunication between specified fixed points" namely the originating transmitter and the relay transmitter and (b) it is not a service of transmissions "to be received directly by the general public," since it is apparent that the originating station has made arrangements with the relay station for relaying. In cases where an originating station intends its transmissions to be received by persons who wish to rebroadcast the programs, either simultaneously or at a later time, as well as by the general public, under the concept of service-allocation of radio frequencies the originating station must be classified either as a fixed station or a broadcast station and cannot be classified as both. The fact that the program is being relayed appears, in itself, a clear indication that the licensee of the originating station considers that rebroadcasting is necessary in order that the program material may be received by the general public in the target area concerned and that such reception would not be provided by the original transmission. It is therefore considered that, in such instances, the broadcast aspect of the original transmission is of a secondary nature and that the station should be classified as a fixed station. Moreover, if the originating station is a fixed station and not a broadcasting station, the frequency of the originating station

should be selected from the fixed bands and not from the broadcasting bands. If the originating station is to be licensed by the Commission in the high frequency spectrum and the relay point is outside the United States, the only service in which the originating station could qualify for a license would be the International Fixed Public service regulated by Part 6 of the Commission's Rules. The originating station, in these circumstances, would be classified as a station open to public correspondence and be subject to common carrier regulation including the regulation of tariffs. It is our hope that the foregoing explanation will resolve the questions which were prompted by the Commission's proposal in this proceeding with respect to the classification of services and station when relaying is involved.

6. *Section 3.702. Assignment and use of frequencies.*

(NOTE: This section was numbered § 3.711 in the Notice of Proposed Rule Making.)

A number of comments were received concerning the various subsections of this rule from the several parties submitting comments. For convenience they are discussed here by subject.

a. A question was raised by several of the parties as to the appropriateness of limiting the target areas and reference points utilized for making the several calculations required by the section to those shown in Figure 1 and Table A respectively. It was argued that they were not always appropriate for the particular transmission intended.

Figure 1 and Table A were evolved at the International High Frequency Broadcasting Conference (Mexico, 1948–49) where thousands of high frequency broadcasting requirements were submitted by various countries of the world. In order to reduce the enormous amount of work and extensive computations involved in developing High Frequency Broadcast Assignment Plans based on these numerous requirements, it was agreed that the use of a relatively small number of standard target areas and reference points within those areas would prove more satisfactory than attempting to consider the multitude of various target areas indicated in the requirements. As a result, Figure 1 and Table A were evolved and used as a basis for computing standard propagation curves for the transmission path between each pair of reference points. These curves, which were computed for various hours and seasons throughout the 11-year sunspot cycle greatly simplified the task of determining the OWF and Delivered Median Field Intensity for any standard transmission path at any time.

These curves are available at the Commission's Washington Offices for reference and may be used with respect to standard target areas and reference points set forth in Figure 1 and Table A for calculating the Optimum Working Frequencies (OWF) and Delivered Median Field Intensities as required by § 3.702 (e) and (d) respectively. They are not usable where different target areas or reference points are used, and in such cases complete, detailed propagation computations, in accordance with the procedures set forth in the Rules, will be necessary before the OWF and Delivered Median Field Intensity may be calculated. For this reason the use of non-standard target areas and reference points is discouraged. However, the amended Rules do permit licensees to designate target areas other than those shown in Figure 1 provided adequate justification is made as to why it is inappropriate to use a standard target area, with special reference to the nature and special suitability, if any, of the programming proposed. Licensees are warned that the Commission will not permit the choice of nonstandard target areas as a device for evading the minimum signal strength requirement of the Rules. It will be necessary in such cases for the licensee to specify a reasonable reference point with respect to providing coverage for the entire target area specified, and provide complete computations of OWF and Delivered Median Field Intensity for each nonstandard target area when requesting a frequency assignment. In the case of broadcasts to be directed to more than one standard target area in the same region, the primary target area should be indicated by the licensee and the reasons for selecting that area adequately justified.

b. In connection with the total number of frequency hours available for private broadcasting, as proposed in § 3.702 (k), Crosley commented that in the event the total number of frequency hours for Government and private contract operations combined reached between 75 and 80 percent of the hours in Table B, the hours remaining available for private operations would result in the non-assignment of as much as 6.25 percent of the frequency hours in Table B. The Rules herein adopted have been modified so as to eliminate the possibility of the non-assignment of frequency hours as pointed out by Crosley. World Wide stated that if the proposed Rule meant that private operations would be limited to 25 percent of the total number of frequency hours, the possible curtailment of Government operations could result in the non-assignment of some of the frequency hours available to this country. World Wide expressed the belief that any frequency hours not used for Government operations should be made available for private use. The rule herein adopted guarantees the availability of at least 25 percent of the U. S. frequency hours (Table B) for private use, regardless of the extent to which Government and contract operations may exceed 75 percent of the available U. S. frequency hours.[1] In the event the combined Government or contract operations are less than 75 percent, all of the remaining portion of the available U. S. frequency hours may be assigned for private use. The comments from the USIA question the advisability of placing any ceiling on the number of frequency hours available for private, non-contract operations. The Commission believes, however, that the absence of any limit on such operations would serve to impede international agreement in this field. The Commission believes that in view of the importance of limiting High Frequency Broadcasting operations on a world wide basis, if the Agreements reached at the Extraordinary Administrative Radio Conference (Geneva, 1951) are to be fully carried out, that it is essential that the private operations covered by subsections (j) and (k) of § 3.702 be limited as herein provided.

It should be noted that the preceding paragraph relates only to the total number of frequency hours available daily to all licensees in any one frequency band and season of the year (table B). The policy of guaranteeing the availability of at least 25 percent of these frequency hours for private broadcasting is consistent with the provisions of the Smith-Mundt Act relating to the broadcast hours of individual stations. This Act, entitled "United States Information and Educational Exchange Act of 1948, 62 Stat. 6" provides that a licensee of an International Broadcast Station may retain 25 percent of his daily broadcasting time for private broadcasting.

c. GE commented with respect to restricting operations to one frequency per program (§ 3.702 (e)) that in some instances it could be shown that better service could be provided by not having such a restriction. However, there is insufficient spectrum space available to the various countries of the world who have to share these international broadcasting bands, thereby precluding such multiple assignment. Although an acceptable International High Frequency Broadcasting Plan has not, as yet, been developed, it is clear to the Commission that if an acceptable international agreement in this regard is to be obtained, such restrictions are necessary and the proposed Rules were based upon this concept.

d. GE and CBS commented with regard to the effect the Rule designated § 3.702 (e) herein would have in patterns of operation, periodic shifting in frequency, and the net effect on the listening audience in the foreign target area. A pooling of frequencies, as has been done in this service for the past decade, is an efficient method of utilizing frequency time available to the United States in these international frequency bands throughout the eleven-year sunspot cycle and seasonal cycles. It is the Commission's intent to continue this principle, maintaining assignments for private international broadcasting on a program thread basis, with a minimum of shifting of frequencies (program threads) within a given band or between bands, throughout the eleven-year sunspot cycle insofar as possible. The intent of the Rule is to eliminate the occupancy of a frequency where propagation conditions will not adequately

[1] It is recognized that at the present time, most, if not all of those non-Government stations which have previously engaged in "contract operations" as defined in these Rules, are now considered Government stations within the meaning of section 305 (a) of the Communications Act of 1934, as amended, and therefore are not within the jurisdiction of the Commission. However, there appears to be a valid need for making provision in these Rules to permit contract operations by non-Government stations licensed by the Commission.

support transmissions to a given target area. In this regard, by planning his operations well in advance, a licensee can help eliminate wasted frequency hours. Continuation of the frequency pool concept also provides a maximum of flexibility as it pertains to sharing of frequencies among the various licensees of international broadcast stations as their program requirements change throughout the sunspot cycle and seasonal cycles.

e. GE raised the question in its comments whether more than one target area may be designated as the area to which transmissions are directed. The Commission wishes to state that any number of target areas may be utilized in reaching a determination of the best frequency (program thread) for broadcasting a particular program. The intent of the Rule is to eliminate the simultaneous multiple use of frequencies in the transmission of a single program. The reason for this position has been explained above.

7. *Section 3.711 (d)—Minimum Field Strength in Target Areas—and related § 3.751—Minimum Transmitter Power Requirements.* With reference to the proposed requirement for a Delivered Median Field Intensity at the distant, foreign target area of 150 uv/m–50 percent, the only objection received was from World Wide in a statement intended to show that 100 uv/m constituted an adequate signal level. In this connection, the Commission wishes to point out that the 150 uv/m level is the standard signal level contained in the Mexico City Agreement (1949) and represents the considered technical judgement of the majority of the participants of that Conference with reference to the signal level required to provide satisfactory reception within a target area. The Commission believes that the requirement, as proposed, is both realistic and desirable and therefore should be adopted. Concerning the proposed minimum transmitter power requirement of 100 kw, the Commission based its proposal on the fact that studies of the various transmission paths from the U. S. to other countries of the world, throughout the eleven year sunspot cycle and seasonal cycles, indicated that difficulties in providing a signal of adequate level can be expected, particularly in the case of East-West and West-East transmission paths. Therefore, the power gain of three decibels, which would result from increasing the minimum power from 50 kw to 100 kw, was considered a desirable addition to the gain which can be provided by directional antennas. Although Crosley supported the proposed 100 kw minimum power requirement, it was the concensus of the comments received that an increase in minimum transmitter power was not required in view of the minimum field strength requirement and that additional gain could be realized more economically through improvements in directional antennas, when necessary. Therefore, because of the possibility that with 50 kw power the minimum field strength requirement can be met for those target areas which licensees actually wish to serve, the Commission believes that, at present, the minimum transmitter power requirement should remain 50 kw.

8. *Section 3.752—Frequency control and tolerance (and related § 3.767)* Comments were received from Crosley, Associated, GE, World Wide, CBS and the USIA regarding the proposed amendments to these sections of the Rules. All of the comments expressed the view that a frequency tolerance of plus or minus 20 cycles per second, as proposed for § 3.752, was not practical in the present state of the art and all except Associated recommended a value of plus or minus 0.003 percent. Associated stated that it would be possible to obtain a tolerance of plus or minus 0.001 percent without undue cost or unsolvable engineering problems.

After due deliberation and consideration at the International High Frequency Broadcasting Conference at Mexico City (1949) it was the consensus that, in principle, the frequency tolerance should be such that the simultaneous sharing of channels would not be restricted thereby. Therefore, in order to minimize heterodyne interference between stations operating simultaneously on the same channel, there was general agreement at that Conference that such stations would maintain a frequency tolerance of plus or minus 50 cycles per second until January 1, 1953, at which time the tolerance should become plus or minus 20 cycles per second. This would apply only to operations in the high frequency broadcast bands below 10 Mc where channels are shared on a world-wide basis. In the case of operations in the high frequency broadcast bands above 10 Mc, it was the general view that a frequency tolerance of plus or minus 100 cycles per second should apply in the interest of reducing heterodyne interference between adjacent 10 kc channels. The Notice of Proposed Rule Making was in error on this point to the extent that this distinction was not drawn.

The Commission believes that any High Frequency Broadcast assignment plan based on simultaneous co-channel sharing in some bands and simultaneous 10 kc adjacent channel operations in others would require the use of frequency tolerance values such as those adopted at the Mexico City Conference in order to prevent serious heterodyne interference. In view of the many requirements of the various countries of the world for frequency hours, and the limited amount of space allocated internationally for Broadcasting in the high frequency region of the spectrum, it appears certain that such sharing will be mandatory. Therefore, due consideration should be given at this time to the fact that tolerance values such as those adopted at Mexico City represent a sound, basic need which may materialize in the relatively near future.

Engineering considerations indicate that such tolerance values are technically feasible at this time. However, until the actual need arises, economic considerations make it desirable that less stringent requirements should be permitted until that time. Therefore, the Rules herein adopted permit this. The 0.005 percent frequency tolerance previously permitted will continue until July 1, 1956, after which the required tolerance becomes 0.003 percent on an interim basis. It appears that this time schedule will permit any necessary modifications in existing equipment, or design changes in new equipment, without incurring any undue hardship on licensees or manufacturers.

9. *Section 3.756—Required transmitter performance.* Comments were received from Crosley, Associated, GE, World Wide, CBS, and the USIA with regard to the matter of the attenuation of spurious emissions, including harmonics. Generally, the comments consisted of expressions of belief that the proposal is impractical of achievement or unduly expensive under the present state of the art. CBS suggested as a counter proposal that the formula for computing the maximum level of spurious emissions be $50+10\ \mathrm{Log}_{10}$ (power in kw) db. For a 50 kw transmitter such spurious emissions would have to be suppressed to a level of 67 db. (To comply with the Commission's proposal, a suppression to a level of 97 db would be required.) Associated stated in its comments that between 70 and 80 db attenuation of the third harmonics was obtainable only after overcoming serious problems and difficulties and that in the television broadcast service only 60 db suppression of spurious emissions is required. With regard to the suppression required in the television broadcast service, the Rules state that it is a temporary requirement which may be increased at a later date. The Commission is of the opinion that the higher figure of spurious emission suppression as expressed by the formula $80+10\ \mathrm{Log}_{10}$ (power in kw) db is a desirable level of suppression toward which progress should be made in the high frequency broadcast service. It is a level of suppression which has been achieved in the case of other radio services. The presence of spurious emissions from stations operating on frequencies allocated for high frequency broadcasting is of serious concern to the Commission because signals of low intensity may be propagated over very great distances. Also, the harmonic relationships of certain of the high frequency broadcasting bands to television channels is a matter of concern. In these cases the use of an alternate frequency will not alleviate such interference conditions due to the harmonic relationship of the entire high frequency broadcast band to the television channels involved.

The Commission agrees that the economic problems involved are substantial. It is recognized that most existing transmitters could not be modified, at reasonable cost, to meet the proposed requirement of 97 db suppression and, in the case of new equipment, the techniques of shielding and filtering normally employed in modern transmitter design become somewhat expensive because of the high power involved and the requirement for multifrequency operation. However, because of the problem of interference to other radio services, it is

believed that, as a general principle, the degree of suppression for high powered stations should be greater than that required for low powered stations. It is expected that the approaching high in the eleven year sun spot cycle will greatly increase the seriousness of this interference problem because of spurious emissions in the lower VHF region of the radio spectrum.

However, based on the comments received, it is believed that additional study must be given to this matter prior to the establishment of specific levels of suppression. Therefore, action on this phase of the problem is not being taken at this time. However, a provision is being added to this section of the rules which would require that licensees take special measures to eliminate any interference problems caused by spurious emissions.

10. *Commission Order 108.* With reference to the Commission's proposal to rescind Commission Order No. 108 adopted December 22, 1942, such action would, by itself, reinstate the provisions of the following previous rules:

(a) Section 3.781(b) (b)(1) and (b)(2) (formerly § 4.43 (f) (1) (2) and (3))

(b) Section 3.702 (d) and (c) (formerly § 4.44 (d) and (e))

(c) Section 3.791; (formerly § 4.46)

With reference to this proposal, CBS commented to the effect that, in contract operations, the licensees did not normally receive reception reports for use in providing the information which would be required under § 3.791 (c) with reference to reception and interference reports and propagation conditions for assigned frequencies. World Wide commented to the effect that the requirement to make verbatim mechanical records and translations of all programs, to be kept for a period of two year, § 3.781 (b), (b) (1) and (b) (2) would place an undue economic burden on the licensees and would be of questionable value.

The Commission believes that, in the current circumstances, no further need exists for § 3.781 (b), (b) (1) and (b) (2) However, the Commission wishes to emphasize that in eliminating this requirement in the rules, it is not in any way attempting to pass judgment as to the extent to which licensees should, in the process of exercising reasonable discretion and good judgment, make and keep recordings, written scripts or other records of program material which their experience indicates are likely to be the subject of later inquiry. With reference to the provisions of § 3.791 (c) requiring certain supplemental information with renewal applications concerning reception conditions, the Commission agrees that adequate reception reports may not be available to the broadcaster in the case of contract operations and believes that the requirement of § 3.791 (c) should apply only to private operations. Certain provisions of Order 108 with reference to the assignment and use of frequencies, formerly § 3.702 (d) and (e), are no longer applicable, as indicated in the new § 3.702.

Therefore, through various changes in the Rules, it appears that Order 108 can now be rescinded without having the effect of reinstating the various provisions of Rules which are no longer considered necessary or desirable.

11. *Allocation of Frequency and Program Hours.* Several comments indicated the desirability of the Commission's adoption of a policy regarding the making of high frequency broadcasting assignments. Others appeared to question the overall intent of the Commission's proposal or requested some statement as to the overall intent of the Commission in this regard. In view of this apparent desire, the Commission wishes to point out various factors involved in arriving at its proposal and which served as a foundation for these Rules.

The Mexico City Conference resulted in substantial agreement with respect to certain principles. Most important to be considered by the United States is the fact that, in order for any plan to be successful, it must obtain the recognition and support of a majority of countries of the world. Failure to arrive at an agreed plan would seriously hinder the overall communications interests of the United States, since international broadcasting by the world without appropriate international agreement could seriously disrupt our vital communications services. Much of the recent effort of the United States with respect to radio regulation and the making of radio frequency assignments has been based upon consideration of the Atlantic City, 1947, Radio Regulations and has involved the expenditure of great sums of money and extensive efforts over a period of several years of many frequency experts in the United States. In the face of these facts, the Commission's proposal is based upon the Mexico City High Frequency Broadcasting Plan which is the only Plan which has received the support of a majority of the members of the International Telecommunication Union. The Commission believes that the public interest will be served by adopting Rules for High Frequency Broadcasting which are consistent with the technical principles developed at the Mexico City Conference. Accordingly, and to this end, the following principles were used as the basis for the Rules which have been adopted:

a. Frequency assignments should be so chosen that a given frequency may provide the longest period of reliable transmission to cover the greatest area with the strongest practicable signal.

b. A single program to a single area should require no more than one frequency assignment during a given period of time.

c. Technical characteristics of emissions should be as high in quality as the state of the art permits.

12. In addition to the substantive amendments to these Rules, certain changes of a purely editorial nature have been made. For example, in the case of formerly numbered footnotes, the texts have been incorporated into the various sections of the rules to which they apply for easier reference, either as notes or parenthetical statements.

13. Accordingly *It is ordered,* That effective December 21, 1955, the amendments to Part 3—Subpart F "Rules Governing International Broadcast Stations" set forth below are hereby adopted and Commission Order No. 108, adopted December 22, 1942 (7 F. R. 11119) is hereby rescinded with the same effective date.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: October 19, 1955.

Released: October 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 3, Subpart F "Rules Governing International Broadcast Stations" is amended as follows:

1. Section 3.701 is amended to read as follows:

§ 3.701 *Definitions.* The following definitions apply to terminology employed in this Subpart:

(a) *International broadcast station.* A broadcasting station employing frequencies allocated to the broadcasting service between 5950 and 26100 kc, whose transmissions are intended to be received directly by the general public in foreign countries.

(b) *Frequency-hour* One frequency used for one hour.

(c) *Day.* Any twenty-four hour period beginning 0000 e. s. t. and ending 2400 e. s. t.

(d) *Sunspot number* The predicted 12 month running average of the number of sunspots for any month as indicated in the National Bureau of Standards CRPL Series D publications.

(e) *Vernal equinox season.* That period of any calendar year starting at 0000 e. s. t. on 1 February and ending at 2400 e. s. t. on 30 April.

(f) *Summer season.* That period of any calendar year starting at 0000 e. s. t. on 1 May and ending at 2400 e. s. t. on 31 July.

(g) *Autumnal equinox season.* That period of any calendar year starting at 0000 e. s. t. on 1 August and ending at 2400 e. s. t. on 31 October.

(h) *Winter season.* That period of any calendar year starting at 0000 e. s. t. on 1 November and ending at 2400 e. s. t. on 31 January.

(i) *Maximum usable frequency (MUF).* The highest frequency which is returned to the surface of the earth for a particular path and time of day on 50 percent of the days of the reference month.

(j) *Optimum working frequency (OWF)* The frequency which is returned to the surface of the earth for a particular path and time of day on 90 percent of the days of the reference month.

(k) *Reference month.* The middle month of any season listed in § 3.704 ("Frequency Hours Available for U. S. International Broadcasting")

(l) *Delivered median field intensity or field intensity.* The field intensity in-

cident upon the target area expressed in microvolts per meter, or decibels above one microvolt per meter, which is exceeded by the hourly median value on 50 percent of the days of the reference month.

(m) *Target area.* Geographic area in which the reception of particular programs is specifically intended and in which adequate broadcast coverage is contemplated.

(n) *Contract operation.* Any non-Government operation of an international broadcast station pursuant to a contract with an agency of the United States Government and subject to governmental control as to program content, target areas to be covered, and time of broadcast.

(o) *Private operation.* Any non-Government operation of an International Broadcast station which is not "contract operation."

2. Section 3.702 is amended to read as follows:

§ 3.702 *Assignment and use of frequencies.* (a) Frequencies will be assigned by the Commission from time to time and in accordance with the provisions of this section, to authorized international broadcast stations for use at specified hours and for transmission to specified target areas. Licensees may request the assignment of specific frequencies for transmission during given hours of operation to specified target areas by filing informal requests in triplicate with the Commission no less than 15 days prior to the start of a new season. Such requests will be honored to the extent that interference and propagation conditions permit and that they are otherwise in accordance with the provisions of this section. Requests for changes in frequency or hour assignments at other times during the year or which are received less than 15 days before the start of a new season will be processed as rapidly as practical. All specific frequency authorizations will be made only on the express understanding that they are subject to immediate cancellation or change without hearing whenever the Commission determines that interference or propagation conditions so require and that each assignment of frequency hours for a given season is unique unto itself and not subject to renewal, with the result that completely new assignments must be secured for the forthcoming season. Where a station is simultaneously engaged in both private and contract broadcasting, as defined in § 3.701, it must receive separate frequency hour authorizations for each of these operations.

(b) Any foreign standard target areas shown in Figure 1 of § 3.792 may be specified by the licensee, in which case field intensity calculations should be based on the transmission path between the corresponding reference points listed in § 3.703. In the event a broadcast is to be directed to more than one target area in the same region, the primary target area should be specified and the reasons for selecting that particular target area given, with special reference to the nature and special suitability, if any, of the programming proposed. Field intensity calculations should be based on the transmission path to the standard reference point in § 3.703 for the primary target area. In the event a licensee wishes to specify target areas other than those shown in Figure 1 of § 3.792, adequate justification must be given to show that the use of standard target areas is inappropriate, with special reference given to any specialized programming proposed which appears suitable only for the non-standard target areas designated. When non-standard target areas are proposed, special reference points must be specified (by geographical coordinates) and reasonably chosen so as to insure complete and adequate coverage of the target areas.

(c) Frequencies assigned by the Commission will be within the following bands:

Band A. 5950 to 6200 kc.
Band B: 9500 to 9775 kc.
Band C: 11700 to 11975 kc.
Band D: 15100 to 15450 kc.
Band E: 17700 to 17900 kc.
Band F: 21450 to 21750 kc.
Band G: 25600 to 26100 kc.

(d) No frequency will be assigned which would provide a Delivered Median Field Intensity, either measured or calculated, of less than 150 uv/m—50 percent or 43.5 decibels above one uv/m at the distant foreign target area. (This value of Delivered Median Field Intensity is expected to provide protection against atmospheric and industrial noise for at least 90 percent of each hour during 90 percent of the days of the month.) With each request for frequency assignment, licensees must submit computations which adequately show that this requirement would be met.

NOTE: Standard OWF propagation curves and Delivered Median Field Intensity curves for the various hours and seasons throughout the eleven year sunspot cycle have been computed for transmission paths between standard reference points listed in § 3.703 for the standard target areas shown in Figure 1 of § 3.792. These curves, which were developed and used at the Mexico City High Frequency Broadcasting Conference (1948–49), are available at the Commission's Washington offices and may be used in calculating the propagation data which licensees are required to provide under these Rules. The methods used in computing these data are described in Chapter 7, paragraph 7.7 of the National Bureau of Standards Circular 462. In lieu of that data, and in all cases where non-standard target areas are specified as provided in § 3.702 (b), licensees must develop their own propagation curves for use in computing values of OWF and Delivered Median Field Intensity for the particular transmission paths involved. In doing so, use may be made of the published propagation data of the National Bureau of Standards known as CRPL Series D, "Basic Radio Propagation Predictions" published monthly in conjunction with National Bureau of Standards Circular 465, "Instructions for the use of Basic Radio Propagation Predictions." These publications are available from the Superintendent of Documents, Washington 25, D. C. A typical example of a computation for a transmission path between standard target areas is from New York (Area 8) to Buenos Aires (Area 15). The Delivered Median Field Intensity for the equinox season, sunspot 5, and for the 6 Mc band for the hours 0200 to 0400 GMT is indicated by the appropriate propagation curve as 24 decibels above one microvolt per meter for 1 kw radiated power. The transmitter power output of 20 decibels (100 kw) is added. The transmitting antenna gain of 12 decibels is added. The resultant total (56 decibels) exceeds the level of 43.5 decibels required to deliver a median field intensity of 150 uv/m at the distant target area.

(e) Frequencies assigned will be as near as possible to the Optimum Working Frequency. In no case will they exceed the Maximum Usable Frequency for more than a total of 15 minutes during any period of transmission. With each request for frequency assignment, licensees must submit computations which adequately show that this requirement would be met. (See note in paragraph (d) of this section regarding methods for computation.)

(f) Not more than one frequency will be authorized for use at any one time for any one program transmission except in instances where a program is intended for reception in more than one target area and the intended target areas cannot be served by a single frequency.

(g) No authorization for use of a particular frequency will be issued which fails to provide a minimum co-channel Delivered Median Field Intensity protection ratio of 40 db to the transmissions of other broadcasting stations at the reference point in the target area being served by such stations which, in the opinion of the Commission, have priority of assignment.

(h) Authorization for use of a particular frequency will not be issued which does not provide a minimum adjacent channel Delivered Median Field Intensity protection ratio of 11 db to the transmissions of other international broadcasting stations at the reference points in the target areas being served by such stations which, in the opinion of the Commission, have priority of assignment.

(i) Any frequency authorized to an international broadcast station shall also be available for assignment to other international broadcast stations.

(j) Not more than one frequency shall be used simultaneously under the same authorization and call letter and equipment installation number designation.

(k) Subject to all other pertinent provisions of this subpart, the total maximum number of frequency-hours which will be authorized to all licensees of private international broadcast stations for private operation combined in any frequency band for any pertinent season during any one day will be those in § 3.704 less the number of frequency-hours in these bands scheduled for use by both (1) government international broadcasting stations, and (2) international broadcast stations licensed by the Commission to use frequencies in these bands for contract operations.

NOTE: Paragraphs (c) through (k) do not apply to stations when engaged in contract operations as defined in § 3.701.

(l) In the event the total number of frequency hours in any band scheduled for both (1) government international broadcasting stations, and (2) international broadcast stations licensed by the

Commission to use frequencies in these bands for contract operations equals or exceeds 75 percent of the frequency hour figures given in § 3.704, the maximum number of frequency-hours which will be authorized to all licensees of international broadcast stations for private operation in any frequency band for any pertinent season during any one day will be 25 percent of the frequency hours shown in § 3.704.

(m) If the requests for international broadcasting frequency-hours for private operation in any band or bands exceed those available under the terms of these Rules, in the absence of any voluntary agreement for reduction of frequency-hours requested, the Commission will designate all requests for frequency-hours in the band or bands in question for hearing. Pending such hearing the Commission will temporarily assign the available frequency-hours equally among the several applicants: *Provided, however* That with respect to such temporary allocation:

(1) An existing licensee shall not, to the extent such frequency hours are available, receive less than the number of frequency-hours utilized during the preceding season or requested for the forthcoming season, whichever is lesser.

(2) Where the number of frequency-hours available for private international broadcasting during a forthcoming season are insufficient to permit existing licensees to secure a temporary allocation equal to that previously utilized or requested, whichever is lesser, the allocation shall be pro-rated among such persons in a manner which will give them a share of the available frequency-hours proportionate to that utilized in the preceding season.

(3) In any event, where an applicant's share of the available frequency hours would be more than requested, the surplus shall be divided among the remaining applicants in the manner herein prescribed.

3. Add § 3.703 to read as follows:

§ 3.703 *Latitude and longitude of areas used for field intensity calculations.*

Area No.	Latitude	Longitude
	Degrees	*Degrees*
1	65 N	150 W
2	60 N	125 W
3	60 N	100 W
4	60 N	80 W
5	70 N	40 W
6	40 N	120 W
7	40 N	100 W
8	40 N	80 W
9	50 N	60 W
10	20 N	100 W
11	10 N	80 W
12	10 S	70 W
13	10 S	50 W
14	30 S	60 W
15	25 S	50 W
16	45 S	70 W
17	65 N	20 W
18	65 N	15 E
19	65 N	40 E
20	70 N	60 E
21	70 N	80 E
22	70 N	100 E
23	70 N	120 E
24	65 N	140 E
25	65 N	160 E
26	65 N	180 E
27	50 N	0
28	50 N	20 E
29	50 N	40 E
30	50 N	60 E
31	50 N	80 E
32	50 N	100 E
33	50 N	120 E
34	55 N	140 E
35	55 N	160 E
36	40 N	25 W
37	30 N	0
38	30 N	20 E
39	30 N	40 E
40	30 N	60 E
41	30 N	80 E
42	40 N	80 E
43	35 N	100 E
44	30 N	120 E
45	35 N	140 E
46	10 N	65 W
47	10 N	20 E
48	10 N	40 E
49	15 N	100 E
50	10 N	120 E
51	0	140 E
52	10 S	20 E
53	10 S	40 E
54	5 S	105 E
55	15 S	140 E
56	20 S	165 E
57	30 S	25 W
58	25 S	150 E
59	35 S	150 E
60	40 S	170 E
61	20 N	160 W
62	20 S	170 W
63	20 S	150 W
64	15 N	145 E
65	10 N	170 E

4. Add § 3.704 to read as follows:

§ 3.704 *Daily frequency hour availability table.*

Band	Season	Sunspot Numbers								
		0-20	20-35	35-50	50-65	65-80	80-95	95-110	110-125	125-140
Mc.										
6	June	0	0	0	0	0	0	0	0	0
	March-September	23	21	14	7	0	0	0	0	0
	December	45	47	48	49	50				32
9	June	34	30	27	24	21	16	11	5	2
	March-September	52	42	35	31	27	23	19	12	10
	December	54	50	47	44	42	39	36	33	32
11	June	43	50	48	46	43	39	31	23	14
	March-September	47	50	52	54	53	49	40	31	24
	December	31	34	36	38	39	34	30	23	22
15	June	84	83	91	94	96	87	79	69	58
	March-September	49	54	53	61	64	47	33	21	7
	December	33	33	33	35	35	33	31	29	27
17	June	23	32	40	47	53	59	66	75	84
	March-September	23	23	22	21	20	24	29	34	39
	December	14	16	21	23	23	23	20	17	16
21	June	2	9	14	18	22	23	22	23	20
	March-September	0	0	10	22	27	36	45	56	65
	December	6	11	15	15	21	29	36	47	53
26		(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Totals	June	186	209	229	229	237	249	229	230	223
	March-September	229	193	193	196	193	179	165	154	145
	December	185	195	202	207	212	193	183	162	181

[1] No limit.

5. Section 3.711 is amended to read as follows:

§ 3.711 *Application for international broadcast stations.* (a) If the application is for a construction permit or for modification of an existing authorization, FCC Form 309 shall be filed; if for a license, FCC Form 310 shall be filed; if for a renewal of license, FCC Form 311 shall be filed.

NOTE: Until these forms are revised, information required by these Rules and not required by the forms shall be submitted as a supplement to the application and will be considered a part thereof.

(b) Authorizations issued to international broadcast stations by the Commission will not specify the frequencies or hours of use, but will be authorizations to permit the construction or use of a particular transmitting equipment combination and related antenna systems for international broadcasting.

NOTE: Requests for the use of frequencies and frequency hours for transmissions to specific target areas should be submitted separately as provided in § 3.702.

(c) In the case of applications for authorizations to permit contract operations, as defined in § 3.701 (n) the contracting agency and contract number should be indicated for each operation.

6. Section 3.713 is amended to read as follows:

§ 3.713 *Installation of apparatus.* Applications for construction permit or modification thereof, involving the installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated installation.

7. Add paragraph (c) to § 3.715 as follows:

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

8. Section 3.716 is amended to read as follows:

§ 3.716 *Equipment tests.* (a) During the process of construction of an international broadcast station, the permittee after notifying the Commission and Engineer in Charge of the radio district in which the station is located may, without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefore, and the rules and regulations. No programing shall be conducted during equipment tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for

the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefore, and the rules and regulations, the permittee should notify the Engineer in Charge of the radio district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

9. Delete the text of § 3.717 and substitute the expression "Reserved."

10. Change the expression "60" in the fifth line of § 3.720 (a) to read "90"

11. Section 3.731 is amended to read as follows:

§ 3.731 *Licensing requirements; necessary showing.* A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That there is a need for the international broadcast service proposed to be rendered.

(b) That the necesary program sources are available to the applicant to render an effective international service.

(c) That directive antennas and other technical facilities will be employed to deliver maximum signals to the target area or areas for which the service is designed.

(d) That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

(e) That the applicant is technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

(f) That the public interest, convenience and necessity will be served through the operation of the proposed station.

12. Section 3.752 is amended to read as follows:

§ 3.752 *Frequency control.* The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designated and constructed that it is capable of maintaining the operating frequency within the following limits:

(a) Until July 1, 1956, the frequency tolerance will be plus or minus 0.005 percent.

(b) After July 1, 1956, the frequency tolerance will be plus or minus 0.003 percent.

13. Section 3.756 is amended to read as follows:

§ 3.756 *Required transmitter performance.* (a) The construction, installation, operation, and performance of the international broadcast transmitter system shall be in accordance with good engineering practice.

NOTE: The establishment of specific levels of attenuation for spurious emissions will be the subject of further Rule Making in Docket 10962 pending the completion of additional studies of this matter.

(b) In addition to the requirements of paragraph (a) of this section, in the event of spurious emissions cause harmful interference, such additional steps as may be necessary to eliminate the interference must be taken immediately by the licensee.

14. Paragraph (c) (2) of § 3.757 is amended to read as follows:

(2) The transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days. (This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.)

15. Amend § 3.767 to read as follows:

§ 3.767 *Frequency tolerance.* The operating frequencies of international broadcast station transmitters shall, at all times, be maintained within the frequency tolerances specified in § 3.752.

16. Section 3.781 is amended to read as follows:

§ 3.781 *Logs.* The licensee or permittee of each international broadcast station shall maintain program and operating logs in the following manner:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music" "drama" "speech" etc., together with the name or title thereof, language, and the sponsor's name, with the time of the beginning and ending of the complete program.

(3) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage of the transmitter (total plate current and plate voltage)

(ii) Frequency monitor reading.

(5) A log must be kept of all experimental operation. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, "Recording of tower light inspections in the station record," of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

17. Change the designator of § 3.872 to read § 3.782.

18. Amend paragraphs (b) (5), (c) and (d) of § 3.788 to read as follows:

(5) In case of any other type of advertising, such advertising is directed to the foreign country or countries to which the program is directed and is consistent with the purpose and intent of this section.

(c) The geographic areas to be served by international broadcast stations are the foreign standard target areas shown in Figure 1 of § 3.792, or foreign nonstandard target areas as provided in § 3.702 (d) and directive antennas shall be employed to direct the transmission to these specific target areas.

(d) An international broadcast station may transmit the program of a standard broadcast station or network system: *Provided,* The conditions in paragraph (b) of this section in regard to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international stations is given on its assigned frequency: *And provided further* That in the case of chain broadcasting the program is not carried simultaneously by another international station (except another station owned by the same licensee operated on a frequency in a different group to obtain continuity of signal service), the signals from which are directed to the same area. (See section 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting.")

19. Delete footnote 5 and designator from § 3.788 (a)

20. Paragraph (a) of § 3.790 is amended to read as follows:

(a) The licensee of an international broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM non-commercial educational, or FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program. The notice and certification of consent must be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of another broadcast station several times during a license period, notice and certification of consent must be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period. Note: The broadcasting of a program relayed by a remote pickup

broadcast station is not considered a rebroadcast.

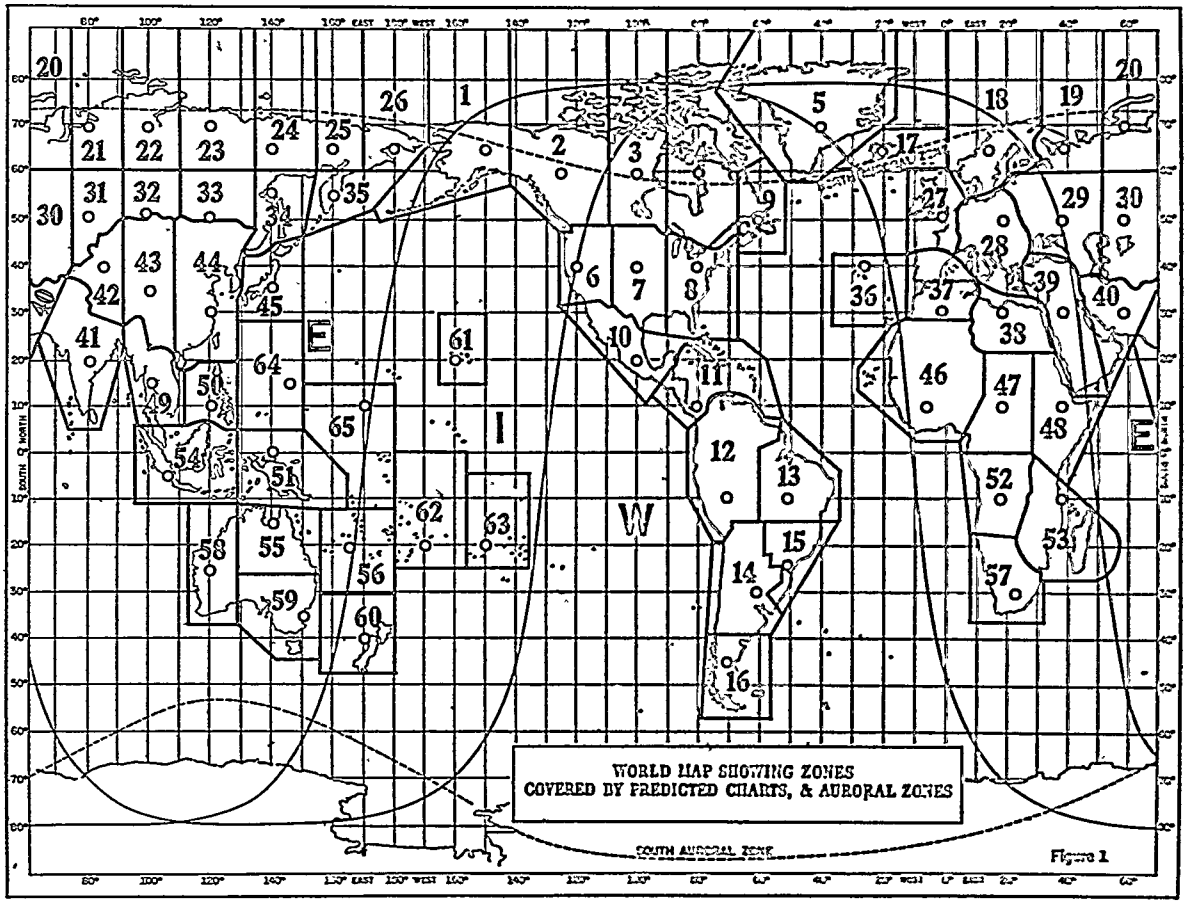
21. Section 3.791 is amended to read as follows:

§ 3.791 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) The number of hours operated on each frequency, listing contract operations and private operations separately.

(b) Outline of reports of reception and interference and conclusions with regard to propagation characteristics of assigned frequencies. (If such information is not available to the applicant in the case of contract operations, a statement to this effect will be considered adequate.)

22. Add § 3.792 *Engineering Chart, Figure 1 to Subpart F.*



[F. R. Doc. 55-8727; Filed, Oct. 31, 1955; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

PART 222—STATEMENTS AND AGREEMENTS REQUIRED TO BE FILED

MISCELLANEOUS AMENDMENTS

Part 222 is hereby amended as follows:

1. By adding a comma and the word "Reports" after the word "Statements" following the Part designation; and

2. By deleting the heading "Cargo and Passenger Reports to be Filed by Common Carriers by Water" preceding § 222.1 and inserting said heading preceding § 222.2.

(Sec. 21, 39 Stat. 736, sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 820, 1114)

Dated: October 27, 1955.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 55-8806; Filed, Oct. 31, 1955; 8:51 a. m.]

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[General Order 22, Rev., Amdt. 2]

PART 282—UNIFORM SYSTEM OF ACCOUNTS FOR OPERATING-DIFFERENTIAL SUBSIDY CONTRACTORS

MISCELLANEOUS AMENDMENTS

Part 282 (46 CFR 282) is hereby further amended by deleting §§ 282.120, 282.301, 282.302, 282.365, and paragraph (a) of § 282.675, and substituting therefor the following new sections and paragraph (a) of § 282.675:

§ 282.120 *Marketable securities.* This account shall be subdivided as follows:

121 United States Government securities.
122 State, county, and municipal securities.
125 Other marketable domestic securities.
126 Foreign marketable securities.

These accounts shall include the cost of government securities and temporary investments in other readily marketable securities which are available for general purposes of the business. Securities issued or assumed by the carrier or by a related company shall not be included in these accounts.

129 *Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on marketable securities, at the time of accrual or collection of interest thereon, with contra entry in Account 679, "Interest Income—Marketable Securities" if it is the practice of the carrier to adjust that account to a yield basis. When the securities are disposed of, any balance applicable thereto in this account shall be transferred to the account in which the cost of such securities is recorded.

§ 282.301 *Capital reserve fund.* This account shall be subdivided as follows:

(a) *301-1 Cash and securities.* This account shall be charged with cash and the approved value of securities deposited in this fund, and shall be credited

with withdrawals therefrom in accordance with the provisions of section 607 (b) of the Merchant Marine Act, 1936, as amended, and under such rules and regulations as the Maritime Administration may issue from time to time. Subsidiary accounts are to be subdivided as to depositories or trustees, as the case may be, and further subdivided to show the amount of (1) cash and (2) marketable securities.

(b) *301–2 Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in Account 680, "Interest Income—Special Funds and Deposits" if it is the practice of the carrier to adjust that account to a yield basis. When such securities are disposed of, any balance applicable thereto in this account shall be transferred to Account 301–1.

§ 282.302 *Special reserve fund.* This account shall be subdivided as follows:.

(a) *302–1 Cash and securities.* This account shall be charged with cash and the approved value of securities deposited in this fund, and shall be credited with withdrawals therefrom in accordance with the provisions of section 607 (c) of the Merchant Marine Act, 1936, as amended, and under such rules and regulations as the Maritime Administration may issue from time to time. Subsidiary accounts are to be maintained as described in account 301–1.

(b) *302–2 Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in Account 680, "Interest Income—Special Funds and Deposits" if it is the practice of the carrier to adjust that account to a yield basis. When such securities are disposed of, the balance applicable thereto in this account shall be transferred to Account 302–1.

§ 282.365 *Interest accruals for deposit in statutory reserve funds.* This account shall include the periodic (not less frequent than annual) accruals of interest on cash and securities on deposit in Account 301, "Capital reserve fund" and account 302, "Special reserve fund" with corresponding credit to account 680, "Interest Income—Special Funds and Deposits"

§ 282.675 *Interest income.* (a) This account shall be credited with all interest accrued. If it is the practice of the carrier to adjust such interest to a yield basis, this account shall be charged with amortization of any premium and shall be credited with accumulation of any discount on securities at the time of accrual or collection of interest thereon.

AUTHORITY: Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interpret or apply sec. 801, 49 Stat. 2011; 46 U. S. C. 1211.

The effective date of these amendments shall be November 1, 1955.

Dated: October 27, 1955.

By order of the Deputy Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-8804; Filed, Oct. 31, 1955; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

EDITORIAL NOTE: For order affecting the tabulation in § 17.3, see Public Land Order 1243 in the Appendix to Title 43, Chapter I, *supra*, reserving public lands as an addition to the Anclote National Wildlife Refuge and partially revoking the Executive Order of February 1, 1886.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 937]

[AO–264]

HANDLING OF CELERY GROWN IN FLORIDA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 55–8610, appearing at page 7997 of the issue for Tuesday October 25, 1955, the name "H. L. Gary" in the first paragraph of the "Rulings" should read "M. L. Gary"

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 222]

CARGO AND PASSENGER REPORTS TO BE FILED BY COMMON CARRIERS BY WATER

EXTENSION OF TIME

Notice of proposed rulemaking procedure in connection with the proposed revision of General Order 9 (46 CFR 222.1) appeared in the FEDERAL REGISTER, issue of August 26, 1955 (20 F R. 6261) and the time stated therein for the submission of written data, views, or arguments relevant thereto was extended, by appropriate notice in the FEDERAL REGISTER, issue of September 23, 1955 (20 F R. 7138) to November 1, 1955.

Notice is hereby given that the time for the submission of written data, views, or arguments relevant thereto is hereby extended to January 1, 1956.

Dated: October 26, 1955.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F R. Doc. 55-8805; Filed, Oct. 31, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Navy

[No. 18]

NAVIGATIONAL LIGHT WAIVERS FOR CERTAIN NAVAL VESSELS

All ships are warned that, if U. S. naval vessels are met on the high sea or on navigable waters of the United States during periods when navigational lights may be displayed, they may expect that certain navigational lights of some naval vessels may vary from the requirements of the Regulations for Preventing Collisions at Sea, 1948, 33 U. S. Code Sections 144 to 147d, and Rules applicable to the navigable waters of the United States, as to number, position, range of visibility or arc of visibility. These differences are necessitated by reasons of military function or special construction of the naval ships. An example is the aircraft carrier where the two white lights are in most instances on the island superstructure considerably displaced from the center or keel line of the vessel when viewed from ahead. Certain other naval vessels cannot comply with the horizontal separation requirements of the white lights, and the two white lights on even larger naval vessels, such as some battleships, will thus appear to be crowded together when viewed from a distance. Other naval vessels may also have unorthodox navigational light arrangements or characteristics when seen either underway or at anchor.

Naval vessels may also be expected to display certain other lights. These lights include, but are not limited to, different colored recognition light sig-

nals, landing lights on carriers, pulsating red lights to indicate speed to other naval ships, and green lights to indicate minesweeping operations. These lights may sometimes be shown in combination with navigational lights.

During peacetime naval maneuvers, naval ships, alone or in company, may also dispense with showing any lights, though efforts will be made to display lights on the approach of shipping.

33 U. S. Code, Sections 143a and 360, provides that the requirements of the Regulations for Preventing Collisions at Sea, 1948, the Inland Rules, the Great Lakes Rules and the Western River Rules as to the number, position, range of visibility, or arc of visibility of lights required to be displayed by vessels shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction or purpose, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to lights.

Waiver Certificate No. 15 published in the FEDERAL REGISTER, Volume 18, No. 250 on December 24, 1953, as amended by Waiver Certificates Nos. 16 and 17, published in the FEDERAL REGISTER, Volume 19, No. 154 on August 10, 1954, and Volume 20, No. 156, on August 11, 1955, respectively, lists certain naval vessels unable to comply with certain requirements as to navigational lights. The instant waiver certificate further amends Waiver Certificate No. 15 by correcting certain data promulgated therein and by finding and certifying that additional naval vessels, designated by type and class, are unable to comply with these navigational light requirements by reason of special construction, and in the manner indicated by appropriate modification of the Tables of Waiver Certificate No. 15, as amended by Waiver Certificates Nos. 16 and 17, as follows:

TABLE 1

Change as follows, under the column entitled "Vessel type and Class":

(1) After "DL–1" in the column entitled "Approximate horizontal separation in feet between the two, 20-point white lights" change "20" to "27"

(2) Add "DD–931" followed in succeeding columns by "62" "84" "22" and "22"

TABLE 3

Change as follows, under the column entitled "Vessel type and Class":

(1) Add "LCU–1608" followed in succeeding columns by "34" and "2.*"

(2) After the note immediately below this table add the following: "* Changes the word 'left' appearing in the heading of the last column above to 'right' in this instance."

The above navigational lights, as well as those listed in Waiver Certificate No. 15, are positioned approximately in accordance with the stated dimensions which may vary by at least several feet in certain instances.

The above modifications hereby become a part of Waiver Certificates Nos. 15, 16 and 17 and shall have force and effect as if originally incorporated therein.

Dated at Washington, D. C., this 25th day of October, A. D., 1955.

C. S. THOMAS,
Secretary of the Navy.

[F. R. Doc. 55-8802; Filed, Oct. 31, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order 459]

CALIFORNIA

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697) I hereby classify, under the Small Tract Act of June 1, 1936, as amended (43 U. S. C. 682a) the tracts of public land in Kern County described below, for lease and sale for homesite purposes only.

MT. DIABLO BASE AND MERIDIAN

T. 25 S., R. 33 E.,
Sec. 21, N½NW¼, NW¼NE¼, NE¼SE¼.
T. 25 S., R. 34 E.,
Sec. 35, NW¼.
T. 26 S., R. 33 E.,
Sec. 21, W½SE¼, SE¼SE¼, W½NE¼SE¼,
Sec. 29, N½NW¼SE¼, N½NE¼SW¼,
Sec. 32, NW¼NW¼, W½SW¼NW¼.
T. 26 S., R. 34 E.,
Sec. 1, W½NW¼,
Sec. 2, N½N½, NE¼SE¼,
Sec. 24, S½SW¼, SW¼SE¼.

The lands comprise small tracts and contain a total of 960 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including location under the mining laws, except as to application under the mineral leasing laws.

3. The area constitutes, in part, the lower hill slopes surrounding Isabella Reservoir in the North and South Forks of the Kern River, approximately 50 miles by road northeast of Bakersfield, California.

The Kernville-South Fork Valley is of a semi-arid nature, lying on the western edge of the Mojave Desert. It has warm, dry summers and mild winters. The annual precipitation is about 10 inches.

The vegetation ranges from blue oak-digger pine woodland through annual grassland to juniper-sagebrush desert shrub.

The soil is in general a grayish brown sandy loam.

The water supply is limited.

4. The lands will be leased and sold in square tracts of 2½ acres each, approximately 330 x 330 feet in size, and described as aliquot parts of the section. The tracts will be subject to all existing rights-of-way, and to rights-of-way 33 feet in width along the boundary of each tract for access roads and public utilities. Such rights-of-way may be utilized by the Federal Government or the State, County, or municipality in which the tract is located, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to issuance of patent. If not so located, they may be subject to location after patent is issued.

5. Leases will be issued to qualified applicants for a term of three (3) years and will contain an option to purchase in accordance with 43 CFR 257.13. The appraised value of the 2½-acre tracts is $150. The minimum rental is $10 per tract per annum, or a total of $30. Therefore, before leases can be issued, an additional payment for advance rental in the amount of $15 is due and payable to the Manager, Land Office, Los Angeles, from individuals having statutory preference. Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The dwelling house must be suitable for year-round use, on a permanent foundation and with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete, concrete slab, or masonry foundations are acceptable. Concrete piers are not acceptable as foundations.

7. Applicants must file in duplicate with the Manager, Land Office, Room 1516 Post Office Building, Los Angeles, California, application form 4–776, filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The application must be accompanied by a filing fee of $10 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty

or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Land Office, 1516 Post Office Building, Los Angeles 12, California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., February 28, 1956. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (4–776) with instructions as to their execution and return and as to payment of fees and rentals.

9. All valid applications filed prior to 9:30 a. m., September 22, 1955, will be granted the preference right provided for by 43 CFR 257.5 (a) if the preference right applicants conform to the provisions of this order as to area, reducing the size of the tracts to 2½ acres.

R. G. SPORLEDER,
Officer in Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 55–8788; Filed, Oct. 31, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 199A]

STEMMLER-IMEX, N. V., ET AL.

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Stemmler-Imex, N. V., Carl Herman Ferdinand Stemmler, Manager and Director, Leidseplein-Hirschgebouw, Post Box 649, Amsterdam, Netherlands; N. V Chemische Industrie "Den Haag" Jhr. C. A. de Pesters, Adjunct Managing Director, Le van der Kunstraat 55–57, The Hague, Netherlands, Respondents; case No. 199A.

The Director, Investigation Staff, Bureau of Foreign Commerce, having charged the respondents, Carl Herman Ferdinand Stemmler, Stemmler-Imex, N. V., both of Amsterdam, the Netherlands, and Jhr. C. A. de Pesters and N. V Chemische Industrie, "Den Haag", both of The Hague, the Netherlands, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, in connection with the transshipment to unauthorized destinations of certain commodities exported from the United States under General License, and the respondents having denied said charges, the Stemmler respondents demanding an oral hearing, a hearing was duly held in Washington, D. C., on June 20, 1955 and days following, before the Compliance Commissioner of the Bureau of Foreign Commerce, the Stemmler respondents being there present by their authorized representatives, and represented by counsel. Chemische was similarly represented.

The Compliance Commissioner, having heard and considered all the evidence submitted in support of the charges and all the evidence and arguments submitted by all the respondents in opposition thereto, and having considered also briefs submitted by all counsel and having allowed exceptions filed by the Stemmler respondents to the transcript of testimony, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that the respondents be denied export privileges as hereinafter provided, together with which report there have been transmitted also the transcript of testimony, all exhibits submitted at the hearing, the charging letters, answers, correspondence, exceptions and briefs.

Now, after reviewing and considering the entire record of this case, the Compliance Commissioner's Report and Recommendation, and the briefs, I hereby make the following

FINDINGS OF FACT

1. At all times hereinafter mentioned (a) Stemmler-Imex, N. V was and now is a firm engaged in the import-export business, in Amsterdam, Holland, and Carl Herman Ferdinand Stemmler was and now is its Manager and Director (b) N. V Chemische Industrie "Den Haag" was and now is a firm engaged in the chemical industry in The Hague, Holland, and Jhr. C. A. de Pesters was its Adjunct Director and is now its Director.

2. That with respect to the findings hereinafter made as to red phosphorus and borax (this term including also boric acid) Carl Herman Ferdinand Stemmler is included in the reference "Stemmler" (such reference meaning both the firm and the individual) the evidence being that Stemmler knew, or should have known by reason of his position and activity in his firm, all that transpired with respect to the commodities mentioned.

3. That with respect to the findings hereinafter made as to borax, de Pesters is included in the reference, "Chemische" de Pesters having been the employee of Stemmler who originated the correspondence leading up to the borax transaction, who was put on notice as to the prohibition against its shipment to Red China and who thereafter, while Adjunct Director of Chemische, allowed and permitted Chemische to become the record or nominal purchaser thereof, which in turn made it available to Stemmler for shipment to Red China.

4. That on or about the 8th day of November, 1951, Stemmler cabled an American supplier that it required ten tons of red phosphorus to be transshipped via Rotterdam to Turkey for the match industry there.

5. That on or about the same day, the American supplier cabled Stemmler an offer of ten tons of red phosphorus at 52 cents a pound, C. I. F Benelux, and stated that no export license was required.

6. That on or about the 9th day of November, 1951, Stemmler sent the American supplier detailed specifications for the phosphorus, which specifications described it as being, "Red Phosphorous for the Match Industry."

7. That, although Stemmler had so communicated with the American supplier following receipt by it of a request from Turkey for the quantity and quality of red phosphorus described, after receiving the reply from the American supplier that no export license was required for the Turkish transaction it entered into negotiations and contracted with a firm in East Germany for the sale to it of two tons of red phosphorus.

8. It then, referring to the cable previously received from the American supplier, offered to purchase from him two tons of red phosphorus, at 48½ cents a pound, f. a. s. New York, (as distinguished from 52 cents C. I. F Benelux), this purchase being intended for the purpose of completing the contract with the firm in East Germany. This offer was accepted by the American supplier.

9. On or about the 12th day of December, 1951, Stemmler instructed the American supplier to ship the red phosphorus to Rotterdam, Holland.

10. The American supplier made the shipment to Rotterdam on or about the 24th day of January, 1952.

11. Stemmler, thereafter, on or about the 21st day of April, 1952, transshipped the red phosphorus to Rostock, East Germany.

12. At no time prior to such transshipment did Stemmler inform the American supplier that it had ordered the two tons of red phosphorus for a buyer in East Germany and not for the buyer in Turkey.

13. Prior to the time that Stemmler sent the American supplier its first inquiry for red phosphorus to be used in the match industry in Turkey, Stemmler had been informed by the Director of the Investigation Staff, Office of International Trade, now the Bureau of Foreign Commerce, (a) that the United States Export Control Law and the regulations "make it unlawful for any person or firm knowingly to make or cause to be made any false representation, statement or certification, or to falsify or conceal any material fact, for the purpose of effecting or causing to be effected an exportation, of any commodity or commodities from the United States"; (b) that this provision was applicable to persons not situated in the United States; (c) that this provision was applicable whether or not the person involved is the purchaser or ultimate consignee of the merchandise; (d) that a failure to disclose to a supplier the true ultimate destination and actual end use contemplated for the merchandise is a violation; (e) that any change in destination, consignee or end use must be communicated promptly to the American supplier or to the Office of International Trade.

14. Stemmler and de Pesters on its behalf, in a letter dated June 4, 1952,

wrote an American supplier, quoting from a letter received by it from a firm in Hong Kong to the effect that local factories in Hong Kong required a constant tonnage of granular borax, that the United States Government would not grant any export licenses and that "good trade prospects" were promised if there was a "solution" In their letter to the American supplier they asked him whether he saw possibilities "for delivery via Europe although shipment via Europe will make the freight costs extremely high."

15. The American supplier, in a letter dated June 9, 1952, wrote Stemmler, and de Pesters as well, he having seen the letter, that all material for export from the United States to Hong Kong required an export license and that the prime reason for this was to prevent material from reaching Red China. He suggested the possibility that export licenses for material to be shipped to Hong Kong might be granted if precise information regarding the intended use and the name and address of the consuming factory were furnished.

16. After being informed that all materials to be exported from the United States to Hong Kong required an export license and that the purpose was to prevent material from reaching Red China, Stemmler, and de Pesters on its behalf, wrote the American supplier on June 25, 1952, that it had a reasonable possibility of selling about 2000 tons of granular borax, 99.5 percent pure, and requested an offer "for delivery C. I. F. Rotterdam."

17. Stemmler followed this letter with a cabled inquiry, on June 26, 1952, for quotations f. a. s. Los Angeles on 50 ton lots of boric acid and thousand ton lots of borax, both 99½ percent pure, and stated that it presumed no export license was required, to which the American supplier, on the same day, replied by confirming that no export license was required and quoting borax at $48.30 in thousand ton lots and boric acid at $106.70 in fifty ton lots, both f. a. s. Los Angeles. These cables were confirmed in a letter dated July 3, 1952.

18. Twenty days thereafter, on July 23, 1952, Stemmler wrote the American supplier that negotiations for borax and boric acid, with a continental customer, were becoming more positive. It indicated the probability of closing a contract for two thousand tons of borax at the reduced price of $46.50 per short ton and also the probable purchase of 30 tons of boric acid at the same time.

19. About one month thereafter, on August 21, 1952, following a reminder from the American supplier, Stemmler wrote him to the effect that a decision was possible in the following week and in the letter stated that the purchase was for reexport, that the contract had been signed a few days before, and that a license from the Bank of England was necessary before a definite order could be given. The necessity for license from the Bank of England was repeatedly stressed in this letter.

20. On September 9, 1952, Stemmler ordered 2000 metric tons of 99.5 percent granular borax and 30 metric tons of 99.5 percent boric acid and, in the cable containing the order, as well as the letter confirming, named Chemische of The Hague, Holland, as the buyer.

21. That at the time when said order was given, Stemmler had a contract with a firm in Red China for the sale of said borax and boric acid to it and gave said order to the American supplier for the purpose of completing its contract with the firm in Red China but did not inform the American supplier to that effect.

22. The American supplier, after being furnished with a letter of credit opened on behalf of Chemische, shipped 2000 metric tons of borax and 30 metric tons of boric acid, from the United States to Rotterdam, Holland, and supported said shipment under General License, GRO, with export declarations in which he named Chemische as the intermediate and ultimate consignee, and The Hague, Holland, as the place and country of ultimate destination.

23. The said borax and boric acid arrived at Rotterdam, Holland, in the early part of November 1952.

24. After the arrival thereof in Rotterdam, and while the said borax and boric acid were lying in the Port of Rotterdam, the American Consul and the American supplier both notified Stemmler and Chemische that United States law and regulations made illegal the contemplated transshipment of said borax and boric acid to Red China.

25. After receiving such notifications and, in defiance thereof, Stemmler did nevertheless transship the said borax and boric acid to Taku Bar, China.

26. That, in connection with the purchase of the borax and boric acid by Chemische from the American supplier, Chemische, by de Pesters, had knowledge that the same could not be exported from the United States to Red China without an export license, but nevertheless allowed its name to be used as the buyer of the borax and boric acid, knowing full well that it was not in fact the buyer and thereby provided the means whereby Stemmler was enabled to transship the said materials to Taku Bar, China.

27. That Chemische, having knowledge that the borax and boric acid were not in fact being purchased by it for consumption in Holland, failed to disclose such information to the American supplier from whom it had purchased the same and allowed and permitted Stemmler to represent falsely to the American supplier that it was such purchaser.

And, from the foregoing, the following are my

CONCLUSIONS

A. That Stemmler and Chemische concealed material facts for the purpose of effecting or causing to be effected the exportation of commodities from the United States, in violation of Section 381.1 (b) (1) (ii) of the export control regulations, then in effect;

B. That Stemmler diverted and transshipped to Rostock, East Germany, and to Taku Bar, China, commodities exported from the United States, in violation of §§ 381.1 (b) (3) (i) and 371.4 (b) of the export control regulations, then in effect.

Before stating this recommendation, the Compliance Commissioner stated in his report,

> • • • After observing the witnesses and carefully considering the documentary evidence in relation to the testimony, I am convinced that they (the respondents), at all times knew what they were doing and that they did what they did for the purpose of circumventing the regulations. I believe that their alleged interpretations and understandings of the law and regulations have been constructed solely for the purpose of presenting a technical defense and a means or method of circumventing the regulations.
>
> The facts indicate that Stemmler is actively engaged in trade with countries in the Red Bloc • • • and works closely with Chemische, using it as convenient. Engaging in the East-West trade is not the prime criterion to be considered in connection with the recommendation to be made because such activity, when it does not contravene our laws and regulations, may not be the subject of the type of action here recommended. However, when these activities do result in contraventions and when their nature and the attitudes of the respondents indicate a disposition to complete such transactions by supplying commodities, exported from the United States, to unauthorized persons and destinations, despite our regulations to the contrary, and, when the conduct of the respondents indicates willful planning for the circumvention of our regulations, then the activities and the contraventions assume a most grave and serious aspect. In such cases, in order to achieve effective enforcement of the law, it is necessary to take drastic measures to make certain that the law will not be violated in the future and that its objectives will not be defeated and frustrated. That is the purpose and need for this proceeding.

He thereupon recommended that the action hereinafter set forth be taken against the respondents.

Now, after careful consideration of the entire record, the answers, the briefs, and the report of the Compliance Commissioner, and being of the opinion that the recommendation of the Compliance Commissioner is fair and just, and that this order is necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses held by or issued in the name of Stemmler-Imex, N. V. or Carl Herman Ferdinand Stemmler or N. V. Chemische Industrie "Den Haag" or Jhr. C. A. de Pesters or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and for the duration of export controls, each of the said respondents be and he or it hereby is suspended from and denied all privileges of participating, directly or indirectly in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly in any

manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to each of the respondents, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV Upon condition that the respondents comply in all respects with this order and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, those respondents so complying, commencing two years following the date hereof, may engage in and enjoy all export privileges permitted by United States laws and regulations.

V The privileges conditionally restored to any of the respondents, under Part IV hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply or such other official as may at that time be exercising the duties now exercised by him, that such respondent has, at any time, whether before or after two years following the date hereof, knowingly failed to comply with any of the conditions or provisions set forth in Part IV hereof, in which event Part II hereof shall then be and remain effective against such respondent, without prejudice to any other action which may be taken by reason of any such new or additional violation.

VI. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when any respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have any interest of any kind or nature, direct or indirect.

Dated: October 27, 1955.

JOHN C. BORTON,
Director
Office of Export Supply.

[F. R. Doc. 55-8808; Filed, Oct. 31, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-6554, etc.]

CLAUDE E. HEARD ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

OCTOBER 26, 1955.

In the Matters of Claude E. Heard and Estill S. Heyser, Jr., Docket No. G-6554; Beal Assocrates, Docket No. G-6558; Dacresa Corporation, Docket No. G-6561, John W Watson, Docket No. G-6562.

Take notice that the above-designated Applicants hereinafter referred to singly and collectively as Applicant, Independent Producers of natural gas in Texas and New Mexico respectively filed on November 29, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants Claude E. Heard and Estill S. Heyser, Jr., of Dallas, Texas, produce natural gas in Reincke Field, Borden County, Texas, and sell it in interstate commerce to El Paso Natural Gas Company for resale. Beal Associates of Midland, Texas, produces natural gas in the Sprayberry Trend Area, Upton County, Texas, and sells it in interstate commerce to Texas Gas Production Corporation for resale by El Paso Natural Gas Company for resale. Dacresa Corporation of Albuquerque, New Mexico produces natural gas in the Blanco Gas Field from the Messa Verda and Pictured Cliffs Zones, Rio Ariba and San Juan Counties, New Mexico, and sells it in interstate commerce to El Paso Natural Gas Company for resale. John W Watson of Albuquerque, New Mexico, produces natural gas in the Blanco Gas Field, San Juan County, New Mexico, and sells it to El Paso Natural Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 28, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8791; Filed, Oct. 31, 1955; 8:47 a. m.]

[Docket No. G-6611]

K. D. OWEN AND D. C. BINTIFF

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 26, 1955.

Take notice that K. D. Owen and D. C. Bintiff, hereinafter referred to collectively as (Applicant), whose address is Esperson Building, Houston, Texas, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Blas Requenez Gas Unit in North Sun Field, Starr County, Texas, and sells it in interstate commerce to the Transcontinental Pipe Line Corporation for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 28, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the

intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8792; Filed, Oct. 31, 1955; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-486]

PLASTICS HOUSEWARES INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Plastics Housewares Industry will be held by the Federal Trade Commission in Room 332 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., on November 21, 1955, commencing at 10 a. m., e. s. t.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to approval by the Commission, a comprehensive set of trade practice rules for the industry designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which are violative of laws administered by the Commission.

All persons, firms, corporations and organizations engaged in the manufacture, design, sale or distribution of plastics housewares are cordially invited to attend and participate in the conference proceedings.

Subsequent to the conference on November 21, 1955, and before final rules are approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested and affected parties, including consumers, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing the time and place of which will be announced by the Commission.

Issued: October 27, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-8796; Filed, Oct. 31, 1955; 8:48 a. m.]

[File No. 21-491]

BLUEPRINT AND DIAZOTYPE COATERS INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Blueprint and Diazotype Coaters Industry will be held by the Federal Trade Commission in the Hubbard Room of the Lake Shore Club, 850 North Lake Shore Drive, Chicago, Illinois, on November 21, 1955, commencing at 10 a. m., c. s. t.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to Commission approval, a comprehensive set of trade practice rules for the industry designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which are violative of laws administered by the Commission.

Members of the industry for which the conference has been called include persons, firms, corporations and organizations engaged in the coating and sale of blueprint and/or diazotype sensitized materials such as paper, cloth, film, or other media used for reproducing engineering and architectural drawings, designs, formulae, and office or business communications. All such members are cordially invited to attend or to be represented at the conference and to take part in the proceedings and to submit suggested trade practice rules for consideration at the conference, as well as to take part in the consideration and discussion of proposals or suggestions for rules presented by others.

After the conference on November 21st, and before any rules are finally approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested or affected parties, including consumers and consumer organizations, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing the time and place of which will be announced by the Commission.

Issued: October 27, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-8797; Filed, Oct. 31, 1955; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 71, Amdt. 1]

NEW YORK

AMENDENT TO DECLARATION OF DISASTER AREA

1. Declaration of Disaster Area 71 dated October 18, 1955, for the State of New York is hereby amended by adding the Counties of Greene and Delaware to the Counties referred to in paragraph 1 of said Declaration.

Dated: October 24, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-8826; Filed, Oct. 28, 1955; 4:06 p. m.]

[Declaration of Disaster Area 75]

NEW JERSEY

DECLARATION OF DISASTER AREA

Whereas it has been reported that beginning on or about October 15, 1955, because of the disastrous effects of flood and heavy rains, damage resulted to residences and business property located in certain areas in the State of New Jersey; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Monmouth, Morris, and Passaic.

Small Business Administration Regional Office, 1730 Broadway, New York 19, New York.

2. A special field office to receive and process such applications has been established at Court House, Main and Court Streets, Flemington, New Jersey.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1956.

Dated: October 24, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-8827; Filed, Oct. 28, 1955; 4:06 p. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 27, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31253: *Silica—Elco, Ill., to the South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on silica, ground or pulverized carloads from Elco, Ill., to specified points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 30 to Agent Spaninger's I. C. C. 1469.

FSA No. 31254. *Soybeans—South Carolina to Wilson, N. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on soybeans, carloads from specified points in South Carolina to Wilson, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 105 to Agent Spaninger's I. C. C. 1325.

FSA No. 31255: *Superphosphate—To Iowa, Nebraska, and Wisconsin.* Filed

by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate) carloads from specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, to Moville, Spencer, Turin, Iowa, Minden, Nebr., Cameron, South Wayne, and Whitewater, Wis.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 24 to Agent Spaninger's I. C. C. 1433.

FSA No. 31256: *Sulphuric acid—Copperhill, Tenn., to East Greenville, S. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, in carloads, as described, from Copperhill, Tenn., to East Greenville, S. C.

Grounds for relief: Circuitous route.

Tariff: Supplement 18 to L & N Railroad I. C. C. No. A–16805.

FSA No. 31257: *Coal to Columbia, Reed, and Fort Jackson, S. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on coal, carloads from mines and stations on the Nashville, Chattanooga & St. Louis Railway taking origin groups 1, 2, 3, and 4 in its Agent C. A. Spaninger's tariff I. C. C. 1427, to Columbia, Reed, and Fort Jackson, S. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 17 to Agent Spaninger's I. C. C. 1427.

FSA No. 31258: *Commodities, in mixed carloads to New York and Pennsylvania.* Filed by The Chicago & Eastern Illinois Railroad Company, for itself and other interested rail carriers. Rates on various commodities, in mixed carloads from St. Louis, Mo., East St. Louis, Ill., Evansville and Terre Haute, Ind., to Binghamton and Syracuse, N. Y., and Allentown, Harrisburg and Reading, Pa.

Grounds for relief: Competition of motor truck forwarder traffic and circuitous routes.

Tariff: Supplement 14 to Chicago & Eastern Illinois Railroad tariff I. C. C. 170.

FSA No. 31259: *Soda ash—Velasco, Tex., to South Atlantic Ports.* Filed by F C. Kratzmeir, Agent, for interested rail carriers. Rates on soda ash (other than modified soda ash), carloads from Velasco, Tex., to Savannah and Port Wentworth, Ga., and Georgetown, S. C.

Grounds for relief: Market competition with Corpus Christi, Tex., potential competition of water carriers, and circuity.

Tariff: Supplement 103 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 31260: *Adipic acid—Orange, Tex., to West Virginia.* Filed by F C. Kratzmeir, Agent, for interested rail carriers. Rates on adipic acid, carloads from Orange, Tex., to Belle and Charleston, W Va.

Grounds for relief: Circuitous route.

Tariff: Supplement 104 to Agent Kratzmeir's I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

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